the Freeman

Ideas on Liberty

SEPTEMBER 1984

Women in Economic History

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Legalized Immorality—A Page on Freedom, No. 11 — Clarence Manion — 515
Government cannot make men good.

Regulation of Telecommunications — Clint Bolick — 516
Shall the market or the state regulate the industry?

Two Freedoms — Charles Turnbull — 526
The underlying freedoms of mind and spirit.

Women in Economic History — Harry Lee Smith — 529
Their contributions to civilization.

Getting Governments Out of Debt — Kenneth McDonald — 535
Using the market to lighten taxes.

The Meanings of Freedom — John Hospers — 539
With emphasis on freedom-from and freedom-to.

The Consummate Role Player — Ridgway K. Foley, Jr. — 549
He does his job, and does it well.

The Fruits of Independence — Clarence B. Carson — 552
For limited government, personal freedom, free trade, and the voluntary way.

The Broken Dream — Joseph S. Fulda — 566
Why the United Nations has failed.

Socialism Is Legal Plunder — Dean Russell — 569
Bastiat foresaw the fruits of intervention.

The Religion of Statolatry — Victor Aguilar — 573
Testimony to the audacity of would-be rulers.

Book Reviews: — 574
"The Rise of the Right" by William A. Rusher

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Legalized Immorality

It must be remembered that 95 per cent of the peace, order, and welfare existing in human society is always produced by the conscientious practice of man-to-man justice and person-to-person charity. When any part of this important domain of personal virtue is transferred to government, that part is automatically released from the restraints of morality and put into the area of conscienceless coercion. The field of personal responsibility is thus reduced at the same time and to the same extent that the boundaries of irresponsibility are enlarged.

Government cannot manage these fields of human welfare with the justice, economy, and effectiveness that are possible when these same fields are the direct responsibility of morally sensitive human beings. This loss of justice, economy, and effectiveness is increased in the proportion that such governmental management is centralized.

Government cannot make men good; neither can it make them prosperous and happy. The evils in society are directly traceable to the vices of individual human beings. At its best government may simply attack the secondary manifestations of these vices. Their primary manifestations are found in the pride, covetousness, lust, envy, sloth, and plain incompetency of individual people. When government goes far beyond this simple duty and deploys its forces along a broad, complicated front, under a unified command, it invariably propagates the very evils that it is designed to reduce.

In the sweet name of "human welfare" such a government begins to do things that would be gravely offensive if done by individual citizens. The government is urged to follow this course by people who consciously or subconsciously seek an impersonal outlet for the "primaries" of human weakness. An outlet in other words which will enable them to escape the moral responsibility that would be involved in their personal commission of these sins.

—Clarence Manion

THE FOUNDATION FOR ECONOMIC EDUCATION, INC.
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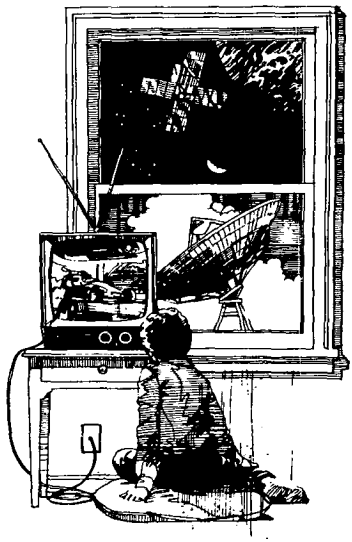
Clint Bolick

Regulation of Telecommunications



AMERICA has produced many revolutions in its first 208 years, but perhaps none since its founding embodies such enormous potential for shaping our global destiny as the telecommunications revolution.

Cable television and related technologies have thrust us to the threshold of an information age, brimming with potential for increased freedom. From our individual homes we can direct more of our own affairs, utilizing vastly more sophisticated yet personalized information exchange mechanisms that make possible voluntary contact with anyone with whom we wish to communicate.

That this amazing 20th century revolution could occur at all is a tribute to the American Revolution of 1776, whose leaders charted a unique commitment to a "free marketplace of ideas," enshrined in the First Amendment to the Constitution. This commitment fostered a society characterized by an unprecedented open and robust exchange of views, as well as an unquenchable thirst for new technologies to facilitate that exchange.

The telecommunications revolution is the product of free, creative minds and an unfettered communications marketplace. But as we enter the era in which electronic

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media will displace print as the dominant vehicle for communications, we face the same decision that confronted the founders of the American experiment: we must choose between the market and the state to regulate the commerce of ideas. Our decision, like that of the founders, will determine whether the technologies of our day will usher in an era of human freedom—or will operate to subvert that freedom.

The Telecommunications Revolution

What is this revolution that is taking place around us? What are the opportunities that it presents?

Some of the new technologies are already here, dramatically expanding the horizons of information exchange. At the forefront is cable television, which utilizes coaxial cables to bring subscribers a wide variety of programming alternatives. Typical cable systems expand viewer choices exponentially, offering local origination and satellite transmission as well as distant broadcast programming. Virtually infinite channel capacity can accommodate the most specialized entertainment, news, educational, community affairs, cultural, political and commercial programming. Already there are 35 million cable subscribers in the United States alone, and by 1990 the percentage of television households patronizing cable services will grow from the present 35 percent to 62 percent. Subscription levels in Western Europe are rising rapidly as well.

Alternative technologies promise stiff competition for these services. Direct broadcast satellites (DBS) bypass cable by transmitting signals directly to dishes installed on subscribers' property. Multi-point distribution service (MDS) transmits video services to individual subscribers via microwaves. Pay television uses broadcast signals that are "unscrambled" at the customer's residence.

The accelerating development of computers, two-way "interactive" services, and fiber optics will further expand the ability of individuals to obtain information from diverse sources and to communicate with one another. From private homes and businesses, we may now access computer data banks and share information with others. "Electronic newspapers," combining traditional publishing with satellite transmission, have enhanced the development of national media and can provide the latest information specifically tailored to suit personal needs and demands. Home banking and a host of other home consumer services are available. And the advent of instantaneous voting via cable can potentially transform a large nation into a town hall-style

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democracy. As Ralph Lee Smith concluded more than a decade ago in *The Wired Nation,* "In short, every home and office can contain a communications center of a breadth and flexibility to influence every aspect of private and community life."

The Role of Government

The extent to which these prospects are realized will largely depend on the role of government. All of the new technologies have been subjected to varying levels of regulation. In the United States, for example, heavy regulation by the Federal Communications Commission (FCC) throttled cable television's development for several years. Subsequently, however, the FCC reversed its course and deregulated cable, immediately leading to accelerated technological developments that restored America's leadership role in the telecommunications revolution.

In Europe, governmental control over new technologies has slowed progress and delayed service. Former West German Chancellor Helmut Schmidt stalled cable television progress during his tenure, chastising it as "more dangerous than nuclear power," and refusing to countenance cable development in that country. Now, many European nations, aware at last of cable's potential and aghast at America's invasion of their home turfs through that medium, are anxiously playing catch-up.

Why is America the leader in the communications revolution? In large part, it is because of its predilection toward free market solutions and its faith in technology, while Europe tends toward greater state involvement in the economy. What makes America truly unique, however, is that the free communications marketplace is not simply an economic policy, but a matter of constitutional doctrine as well. The First Amendment has fostered not only freedom of speech, but also the virtual explosion of technology that has made that precious freedom more meaningful than ever.

Whether the new technologies will ultimately be used to expand or restrict prospects for freedom, however, is still an open question. The information age may witness an expansion of individual sovereignty as never before—or a loss of that sovereignty to state control. In each of the modern industrial nations, the time for decision-making is at hand. As Ithiel de Sola Pool concludes in *Technologies of Freedom,*

> The problem is worldwide .... The onus is on us to determine whether free societies in the twenty-first century will conduct electronic communications under the conditions of freedom established ... through centuries of struggle, or whether that great achievement will become lost.

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Choices and Consequences

In choosing the mechanism that will regulate the telecommunications revolution, two polar opposites are possible: the nightmarish world of George Orwell's *1984* in which all communications are controlled by the state, and an unfettered marketplace of ideas in which a free press thrives.

The first alternative is vividly depicted by Orwell as a world utterly devoid of freedom. Orwell recognized that a totalitarian state could be achieved and maintained only through absolute control over ideas and communications. The state created a language, "Newspeak," with which it could control the scope of ideas and rewrite history under the aegis of the Ministry of Truth. It utilized a highly sophisticated technology capable of monitoring all personal thoughts and communications. Orwell traced the development of this awesome power:

> The invention of print . . . made it easier to manipulate public opinion, and the film and the radio carried the process further. With the development of television, and the technical advance which it made possible . . . [t]he possibility of enforcing not only complete obedience to the will of the state, but complete uniformity of opinion on all subjects, now existed for the first time.

In Orwell's society, the state controls all information dissemination and proscribes all contrary thoughts. The submission of the citizenry is ensured by the Thought Police, who carefully monitor all communications through two-way telecommunications devices designed to serve the needs of the state:

> The instrument (the telescreen, it was called) could be dimmed, but there was no way of shutting it off completely . . . . The telescreen received and transmitted simultaneously . . . . You had to live—did live, from habit that became instinct—in the assumption that every sound you made was overheard.

The world of *1984* is a dismal one, a world in which the new technologies are subverted to constrict, rather than expand, voluntary interpersonal communications. Orwell's message is replete with tacit warnings against permitting government to control the exchange of ideas and the mechanisms that facilitate that exchange. The technology of *1984* exists today—as does the potential for tyrannous governments to exploit it to subvert freedom.

Another course is possible. In stark contrast to *1984* is the historical experience of the press in the United States. The American founders well understood the dangers of vesting in government the power to suppress and censor speech. They recognized in the Virginia Declaration of Rights in 1776 that "the freedom of the press is one

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of the greatest bulwarks of liberty, and can never be restrained except by despotick [sic] governments."

Freedom of Speech

Fresh from their experience with the suppression of colonial speech under the rule of the British crown, many of the founders refused to support the new Constitution until freedom of speech was ensured. Resisting the opportunity to seize such power for themselves, they instead incorporated into their basic law the First Amendment: "Congress shall make no law . . . abridging the freedom of speech, or of the press." As Justice Hugo Black observed almost two centuries later, it was established for the first time that "[t]he press was to serve the governed, not the governors."

Ever since the acquittal of publisher John Peter Zenger of charges of seditious libel in 1735, the press in America has been immunized from government interference far more than any other enterprise. Rather than relying on the state to protect the public from "dangerous" or false ideas, the First Amendment vests that right and responsibility in the citizens themselves. As Thomas Jefferson explained, it is "better to trust the public judgment, rather than the magistrate . . . . And hitherto the public has performed that office with wonderful correctness."

The founders correctly believed that the only dependable and enduring safeguard for the free marketplace of ideas was to bar the government from exercising editorial control over private communications. As Justice Potter Stewart explained, the First Amendment "is a clear command that government must never be allowed to lay its heavy editorial hand on any newspaper in this country." The concept of free speech has been applied to protect the commerce of ideas between willing communicators, and those willing to receive such communications. The Supreme Court has generally recognized that any departure from these protections would have serious adverse consequences. As Justice Thurgood Marshall observed, "Our whole constitutional heritage rebels at the thought of giving government the power to control men's minds."

The results of the commitment to free speech and a free press are readily apparent in the vigorous exchange of ideas which is a hallmark of American society. Anyone with a typewriter, telephone, or soapbox may freely transmit views to those wishing to receive them. These constitutional guarantees protect dissenting viewpoints and provide mighty deterrents against government tyranny. Indeed, but for the First Amendment, the horror of *1984* could be today's reality.

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The Market or the State?

The idea of a free communications marketplace essentially unregulated by the state was a radical one in 1776, and sadly enough remains so today. Particularly with the onset of new technologies, many today advocate some form of "mixed" state and private control of speech, for any of a number of high-sounding reasons. But as Ludwig von Mises warned, the issue is always the same—"the market or the state; and there is no third solution."

Those who advocate mixed control have concluded that individuals should relinquish some measure of their sovereignty for the greater good. All of their rationalizations rest on the notion that the state enjoys a superior capability to determine the interests of society as a whole in the information age.

The first of these justifications is the most transparent. Many government officials view regulation as a vital safeguard against "commercial exploitation" of consumers. This paternalistic notion seeks to justify imposed choices by government while proscribing the individual autonomy provided by the market. But far from exploiting consumers, the market inherently provides the most effective consumer-protection mechanism possible—competition. Due to omnipresent pressures in the market for technological change, the new media must be fiercely competitive. Those entrepreneurs offering the finest products, lowest prices, most personalized services, and latest technical advances will prosper. Conversely, government interference inevitably adds regulatory costs and hampers profitability, thus dampening innovation and choice.

A second justification is fiscal policy. The revenues certain to be realized from the telecommunications revolution are tempting to cash-poor governmental entities. Further, harnessing these new technologies could provide the cornerstone for revived "industrial policy" in many countries. This modern-day mercantilism suffers, however, from the same fundamental flaw that plagues all state-controlled industries: the gains to society's wealth obtained by state displacement of or interference with private enterprise pale in long-term comparison with free industries, which enjoy greater incentive to maximize efficiency, productivity, and improvement. Indeed, those governments which have restrained the new communications technologies are in a virtual frenzy over the spectacle of massive consumer spending in their own countries for the goods and services made possible by these technologies in less-regulated countries. Many have commenced policies of protectionism and government subsidies in a belated and futile attempt to steer con-

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sumers away from products they desire.

A third rationale for government regulation is "scarcity" of one sort or another. This is the justification typically cited by those wishing to impose content control to protect the public interest. One type is physical scarcity, which holds that airwaves are limited and thus may only be fairly allocated and regulated by the state. The physical scarcity concept brought about a major departure from First Amendment protections as communications exchange shifted from the press to broadcast media. While newspapers continued to receive full protection, television programmers were subjected to substantial "public interest" regulation, much of which was upheld in the courts. The result has been stifling homogenization in programming as producers concentrate as much on satisfying governmental dictates as they do on customer demands. Still another result, however, has been the rapid development of the new alternative technologies, which offer increasingly stiff competition to the broadcast media. If it was ever a valid premise for government regulation, the physical scarcity rationale is clearly rendered obsolete by the new competitors and the unlimited programming options they present.

A second form of scarcity is "economic scarcity," or the theory of "natural monopoly." Some theorists argue that many communications technologies require such intensive capital investments that only one producer may profitably serve a given market. Ostensibly protecting the citizenry from "monopoly power," the governmental entity chooses and licenses a single producer as a "franchisee" or "common carrier," and then subjects that producer to extensive taxation and regulatory control. This notion dates at least as far back as 1585, when the British crown awarded monopoly privileges to publishing guilds. The artificial restriction on the number of publishers facilitated government censorship, but was ultimately undermined by sustained illicit competition.

"Economic Scarcity"

In America, the concept of economic scarcity was suggested as a rationale for requiring newspapers to publish replies to unfavorable reporting—an argument the Supreme Court firmly rejected. But although the Court has opposed even the most "benign" regulation of newspaper content, it has yet to fully extend this protection to the new media. It has failed to do so because it asserts that differences in the characteristics of new media justify different degrees of First Amendment protection.

This approach contradicts the

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teachings of America's founders. They did not provide protection only to the press, but to speech itself as well, perhaps anticipating that new mechanisms would arise to challenge the press as the prime facilitator of communications exchange. Speech is no less an exchange of ideas if it is transmitted by television, cable, or satellite rather than by newspapers. Yet the courts have departed from First Amendment principles and allowed state regulation of radio and television, and now face a similar decision in the context of cable and other new media. Any further failure to zealously protect the free communications marketplace portends distressing consequences.

The American Cable Experience

Nowhere is the abandonment of First Amendment values more apparent than in the cable television arena. Despite deregulation at the Federal level, regulation of cable in America is increasingly extensive, restraining the full realization of that medium's enormous potential and laying the groundwork for massive state interference with editorial processes traditionally entrusted to private discretion.

With the lifting of most regulations at the Federal level in the last decade, municipal governments have made cable television a focus of attention. Relying on all three justifications—public interest, revenue, and economic scarcity—they have subjected cable to broader regulation than any communications medium in American history.

Starting with the premise that cable television is a "natural monopoly," municipalities award exclusive franchises, in effect rendering economic scarcity a self-fulfilling prophecy. Based on its control of the public streets, the governmental entity essentially precludes other firms from entering the community. In return, it exacts enormous tribute from the winner of the franchise. Typical concessions include expensive franchise fees, "public access" studios, subsidized programming for special interest groups, and review of program content. While filling public coffers and placing the strong arm of government on the pulse of local communications, these regulations add nearly 25 percent to the cost of cable programming and limit subscribers to a single choice for cable services.

Unsound Reasoning

The rationales for government control in the cable context are fundamentally unsound. Cable is an *unnatural* monopoly; few companies compete head-to-head only because the system of local franchises and pervasive regulations makes it unprofitable and frequently illegal to do so. Even without direct competi-

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tion, however, the existence of alternative technologies provides the important disciplinary effects of the marketplace, making "public interest" regulation wholly unnecessary. Open entry policies and the constant threat of competition would accomplish the same end. Indeed, some local governments, recognizing that the natural monopoly myth rests on tenuous assumptions, have acted to exclude from their communities not only additional cable companies but competing alternative technologies as well.

If the First Amendment is displaced and government control over cable is entrenched, the state will be free to further invade the sanctity of the communications marketplace. At least one franchise requires the installation of devices of empowering government officials, at any hour of the day or night, to turn on every subscriber's television set and broadcast "emergency" messages. Two-way telecommunications capacity—a central feature of Orwell's scenario—renders the specter of government control even more alarming.

The courts have yet to definitively rule on the First Amendment implications of government control over cable, and the battle over these issues will be a long and fierce one. While much of the upcoming legal fight may center on economic questions, the basic issue is a moral one: should individuals be autonomous in choosing what, how, and to whom to communicate, or should those choices be made by government? The resolution of this vital question will loom large in determining the future of human freedom.

The Challenge Ahead

America is unique in its commitment to an uninhibited marketplace of ideas. Yet America itself is precipitously close to discarding that commitment, which for more than 200 years has supported its claim to moral leadership in the area of freedom of speech.

Even before the rapid development of the new media, Justice William O. Douglas warned of the dangers involved in abandoning the commitment to First Amendment principles on the basis of technological change:

> The struggle for liberty has been a struggle against government . . . . [I]t is anathema to the First Amendment to allow government any role of censorship over newspapers, magazines, books, art, music, TV, radio or any other aspect of the press . . . . My conclusion is that the TV and radio stand in the same protected position as do newspapers and magazines . . . for the fear that Madison and Jefferson had of government intrusions is perhaps even more relevant to TV and radio than it is to other like publications.

With the onset of cable and related technologies, the stakes are

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higher still. We are on the brink of facilitating voluntary communications and commerce on a scale unprecedented in history. Whether the telecommunications revolution will be a tool for freedom or for suppression depends upon the policy choices we make today. As de Sola Pool warns, "It would be dire if the laws we make today . . . in such an information society were subversive of its freedom."

The year 1984 is upon us. If we are to avoid the prophecies of totalitarian doom, we must resolve to protect the legacy of freedom which we have inherited, and to expand it to the world-wide scale now made more possible than ever by the new technologies.

Reprints . . .

A Page on Freedom

Each of these brief messages is a handy way to share with friends, teachers, editors, clergymen and others a thought-starter on liberty. It also serves to introduce the reader to our work at FEE.

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Charles Turnbull

Two Freedoms

THE SLAVE born in captivity must learn that an open door can be used to gain freedom. He must learn to rise above the mind and spirit of a slave. He must learn that this is not his natural condition, that there is something within him that craves a higher state of existence. He must awaken to his own self-worth in order to develop his full potential. If his mind has been conditioned to his being a slave, if he is resigned to it, if he is used to being looked upon by everybody else as being in his right niche, if it is easier for him to go along with the way things are, then surely he will remain a slave forever.

Freedom in the usual sense consists of political, personal, religious and economic manifestations. But these are the external or secondary aspects of freedom, and this second freedom must be preceded by another kind—an inner freedom of mind and spirit, without which there can be no external freedom.

The slave's chains are forged without his knowledge or consent, often produced from feelings of guilt or of indebtedness for unearned favors.

"The political cultivation of guilt is a central means to power," explains R. J. Rushdoony in *Politics of Guilt and Pity,* "for guilty men are slaves; their conscience is in bondage, and hence they are easily made objects of control. Guilt is systematically taught for purposes of control. . . . the cultivation of guilt in order to produce a submissive populace. This politics of guilt is aided, not only by the apostate clergy of

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the left, but also by . . . ostensibly conservative clergymen." Thus we find, says Rushdoony, "a burdened conscience and a submissive man before priest and politician. The politics of guilt cultivates the slave mind in order to enslave men, and to have the people themselves demand an end to liberty. Slaves, true slaves, want to be rescued from freedom; their greatest fear is liberty. . . . Freedom imposes an impossible burden upon them. Lacking the inner peace of a good conscience, they seek instead the sickly peace of acceptance and co-existence with every kind of evil."

We know there is Something within us that is special and should not be abused. If we follow what is compatible with that Spirit, that Essence of knowing, that Conscience, that Wisdom, that Ability to distinguish between right and wrong—whatever you want to call It—and recognize It as a higher authority than mores, self-serving inclinations, taboos, respectability, lust, the desire to curry favor or just to be "nice," and recognize what has been indoctrinated into us, we will all be pretty much "tuned to the same frequency." To follow this "Inner Voice" is to seek the way to freedom and self-realization. The Bible states this principle by saying that to serve God alone is perfect freedom. Shakespeare speaks this idea through Polonius in *Hamlet,* "This above all: to thine own self be true, and it must follow, as the night the day, thou canst not then be false to any man."

To get to the degree of enlightenment just described one may spend a lifetime of gradually peeling away layers of ignorance and misconception, be suddenly enlightened or just always "know." But without this clarity of vision our minds are fitting receptacles of ideas, pressures and programs that enslave. We have thus become a society filled with people who "don't know who they are," are guilt-ridden misfits or are well-adjusted slaves of the omnipotent state.

In his book *The True Believer,* Eric Hoffer has catalogued the types of people who are potential converts to mass movements. These are: the Poor, the Misfits, the Inordinately Selfish, the Ambitious Facing Unlimited Opportunities, Minorities, the Bored, and the Sinners. These are the ones who are most likely to seize at any system that offers some advantage to them and promises to solve all of their most urgent problems. These people become the slaves of that system.

There is no mass movement as powerful and all-pervasive in the United States as the cult of the State. It is fueled by billions of tax dollars. It is propagandized by millions of True Believers who lack enlightenment and by millions who

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profit directly from it. It controls an indoctrination system that sentences most of our young people to government-controlled schooling for twelve formative years. It has as allies a host of religious leaders who are misled into being True Believers in the cult of the State, and thereby become unfit to lead or teach the congregations who look to them for guidance through a confusing world. Their secular allies are the entertainment and news media which invade the sanctity of nearly every living room by means of television and newspaper, every car and kitchen by means of radio. To confuse, mislead and ensnare, it employs the "newspeak" kind of double talk described in George Orwell's *1984*. We have been taught to profess freedom without experiencing it.

Richard Bach says in *Illusions,* "The mark of your ignorance is the depth of your belief in injustice and tragedy." Injustice and tragedy are the fruits of the Cult of the State. The all-powerful State has taken away our freedom, starting from within the individual.

But liberty offers penalties as well as advantages. "The central and essential penalty of liberty is insecurity and the problems thereof," says Rushdoony. "The free man lives in a world of free enterprise, of trial and error, profit and loss, success and failure. . . . His security is not in the visible tokens of a guardian state." He does not stand with his hand out asking for his fair share. He earns it. Every generation must choose between slavery or freedom.

It is to the advantage of each man to be true to the best that is within him. Identify those who would contribute to your enslavement. Denounce them. Shun the "benefits" with which they would buy you. Stand up for what you know is your right and your heritage. Stand for equal justice for all and special privilege for none. Resist coercion of all kinds. The government does not own you and has no rightful claim to your life or the fruits of your labor.

Know the truth and it will make you free. Men who are free in spirit and mind will never become complete slaves. They will demand and get economic, personal, religious and political freedom. Those who achieve the first inner freedom will see clearly how to obtain the secondary manifestations, the external freedom to which we pay lip service, while at the same time we are losing it. They will cut government down to its only legitimate functions and free themselves to prosper as never before.

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Harry Lee Smith

Women in Economic History

WOMEN have been responsible for most of the world's economic wealth. There is considerable evidence to support this sweeping allegation. Their past contribution to economic growth is a measure of their potential.

Except for a short hiatus during the past 200 years, women have always been part of the work force. Women's productivity in pre-industrial society was obvious when they labored in the fields side by side with their men. In certain peasant societies of South America and Asia they still do. In addition to farming, they raised children and kept house, which is just as much a part of economic activity as production for the market. But most importantly, women were not destructive. Their male counterparts destroyed a good deal of the wealth created by both sexes through wars and political turmoil.

Women's accomplishment in creating and preserving wealth has gone unrecognized due to an anomaly brought about by the Industrial Revolution. During the past two centuries, the work patterns of Western Civilization have changed drastically, particularly those of women. The development of the factory system removed the work place from the home for the first time in history. This separated women from their children, putting a strain on family ties and adversely affecting female productivity.

Economic conditions during the early stages of the Industrial Revolution were such that entire families worked in the factories. Early attempts at restricting child labor were fruitless since they merely put less bread on the table and left the children unattended. But the wealth created by the Industrial Revolution rapidly increased living standards so that, by the middle of the nineteenth century, men were earning enough to retire their wives and children from the work force in vast numbers. It is this process, started only 200 years ago, that gave rise to the mistaken concept that women have *always* stayed at home doing nothing more than domestic chores. This myth was driven home by newly developing sciences such as

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anthropology, biology, sociology, and ethnology among others.

Nearly all the scientific disciplines have evolved during the past 250 years and were therefore heavily influenced by conditions brought about by the Industrial Revolution. Some anthropologists such as Desmond Morris have even projected twentieth-century cultural patterns back into the Stone Age.[1] They developed the myth of the Great Hunter, a primitive hominoid, who left the cave in search of food while his mate waited patiently at home, taking care of the children, willing to exchange sex for food, and doing little else. This myth has been effectively exploded by British anthropologist Elaine Morgan in her insightful book (whose title parodies Darwin), *The Descent of Woman.*[2]

In primitive times the fundamental family unit consisted of a mother and her children living with older members of the family. Apparently men were less aware of their function and responsibility as fathers than were some advanced animals. More often than not they lived apart from the women and children, banding together in hunting-foraging groups, leaving the females to fend for themselves. These bands were the precursors of modern fraternities and other androcentric organizations.[3]

Women had high status in primitive societies. Historian Will Durant wrote: "Since it was the mother who fulfilled most of the parental functions, the family was, at first (so far as we can pierce the mists of history) organized on the assumption that the position of man in the family was superficial and incidental, while that of the woman was fundamental and supreme." At the time, most gods were feminine, dedicated to human fertility. In primitive society woman's status was higher than in Periclean Greece and she would have to wait until modern times to regain that social station.

While it is true that primitive man was a hunter, primitive woman was far more than a baby sitter. She can be credited with skinning animals for clothes and tents, spinning cotton and wool, sewing, weaving, woodworking, and making baskets and pottery. She used fire to defeat the darkness, to keep warm, and to break down inedible foods into a wide variety of digestible meals through cooking. She preserved food through salting and drying. In short, she provided the necessities of food, clothing, and shelter in which she specializes to this day. She also exchanged the products of her labor and initiated trade.

Anthropologist Laurens van der Post watched women in the primitive area of Africa's Kalahari educate their children to glean a meal. Despite the sparse desert vegetation, in short order they had col-

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lected a meal of nuts, tsamma melons, eland cucumbers, roots, tubers, grubs, berries and a tortoise. Van der Post said that both men and women searched for food, but the women usually provided two to three times as much food by weight as the men.[4]

While women in primitive times were highly productive in a hunting-gathering economy, they were about to become even more so. Through a nearly miraculous development they invented agriculture.

The Neolithic Food Revolution

Men were too proud or busy as hunter-warriors to dig in the soil. But women, puttering in the back yard, discovered the relationship between seeds and crops. Will Durant put it bluntly: "Most economic advances in early society were made by women rather than men." He goes on to point out that "women made the greatest discovery of all—the bounty of the soil." In short, *women were responsible for the Neolithic Food Revolution which was, and still is, the greatest economic advancement in history.* This development, which started some 10,000 years ago and still continues, increased the human carrying capacity of the earth from five million to a billion inhabitants.[5] This ratio was not exceeded by the Industrial Revolution. It is an excellent measure of wealth creation.

But the Neolithic Food Revolution had its dark side. The development of agriculture produced vast amounts of wealth. Peaceful, immobile, and wealthy agricultural communities proved to be an enticing temptation for marauding bands of hunter-warriors. They attacked, killed, plundered, and enslaved. Thus, in ruthlessness and violence, the state was born, and with it political man. He produced no wealth himself and his economic contribution to society was negative.

For a hundred centuries the world was run for the exclusive benefit of tiny, self-perpetuating, ruling elites. They confiscated all the means of production. Only rulers were allowed to own land, to which they bound their subjects. The same system carries on today under communist totalitarianism.

There was little improvement over the millennia. As late as the seventeenth century Thomas Hobbes observed that life for most individuals was solitary, nasty, poor, brutish, and short. Edward Gibbon saw history as little more than the register of crimes, follies, and misfortunes of mankind. Women became second-class slaves, subject to the dictates of political overlords and of their patriarchal husbands.

The history of political man in an agricultural economy proved to be one long nightmare. Primitive man had had considerable leisure time.

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But under slavery he worked from dawn to dusk to satisfy the wants of avaricious and rich rulers. Wars, conquests, enslavement, and plunder were considered noble and therefore became unending. Political man became the only animal to torture a member of his own species for satisfaction and profit. Wealth created by both sexes was eroded by conflict, and the world's profit and loss statement showed little gain. The female sex participated in this process hardly at all. Female economic contribution to society was positive, outweighing the net wealth contribution of the opposite sex.

Despite this oppression, women continued to bear up sturdily and to produce mightily. The Bible describes the ideal wife as one who is gainfully employed, talented, dignified, praiseworthy and God-fearing. She makes real estate investments ("She considereth a field and buyeth it"), manages her business ("She perceiveth that her merchandise is good"), teaches loyalty and wisdom, and is honored in her community (Proverbs, 31:10–31).

The Industrial Revolution

If the Neolithic Food Revolution was feminine, the Industrial Revolution was masculine. The natural mechanical bent of men had manifested itself in the Bronze Age, the Iron Age, and in such inventions as tools, the wheel, and the horse collar. But only under individual freedom would this ingenuity find full flower.

The concept of limited government, the protection of private property, and the rule of law gave birth to free entrepreneurial man. Entrepreneurial man became the true champion of woman and his contribution to her emancipation was extraordinary. It is ironic that woman, the mother of agriculture, should have been enslaved for her efforts, whereas the masculine Industrial Revolution bore the seeds of her freedom.

Instead of enslaving other men, entrepreneurial man enslaved oil, gas, coal, and the atom. He filled the home with thousands of mechanical servants. He rescued women from being beasts of burden by inventing incredible transportation machines. In the short span of 200 years he had elevated millions of peasants into a comfortable middle class, free from famine and drudgery for the first time in history. Women, who had looked old at thirty and were dead at forty, could be active, healthy, and attractive during a doubled life span.

Women as Civilizers

"Women are the civilizers of mankind," said Ralph Waldo Emerson. Nevertheless, even in free America, men procrastinated in giving them

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equal political status. It is incongruous that the founding fathers could have written such inspirational documents as the *Declaration of Independence,* the *Constitution,* and the *Federalist Papers,* and still have tolerated slavery for blacks and a subservient status for women. As a result, the oppressed made common cause.

As an organizing force, feminism dates from abolitionism in the early 1830s. Abbie Kelley (1810–1887), an abolitionist-feminist, observed: "We have good cause to be grateful to the slave for the benefit we have received ourselves in working for him. In striving to strike his irons off, we found most surely that we were manacled ourselves."

The modern historian Aileen S. Kraditor wrote: "A few women in the abolitionist movement in the 1830s . . . found their religiously inspired work for the slave impeded by prejudices against public activity by women. They and many others began to ponder the parallels between women's status and the Negro status, and to notice that white men usually applied the principles of natural rights and the ideology of individualism only to themselves."[6]

The slaves won the race to emancipation. The thirteenth amendment to the *Constitution* freeing the slaves was ratified in 1865. Women waited another 55 years for the right to vote.

Political Man

During the long nightmare of slavery, most women accepted their lot stoically. Some were known to have killed their infant daughters to save them from a lifetime of childbearing and drudgery. Others welcomed polygamy to share the burden with their sisters.[7] But most lived out their short lives asking little more than that they be cherished and respected. They experienced little of either. In a world of poverty and political predation, there was little charity in the human spirit.

Poverty has been the scourge of mankind for centuries, brought about by the greed and oppression of political man. There was a hiatus of this political power during the nineteenth century. This produced not only entrepreneurial man but also the most peaceful century in recorded history. However, as with the agricultural economic wave, the Industrial Revolution produced vast amounts of wealth. With new wealth to plunder, political man came roaring back with renewed virulence. Thus far in the twentieth century he has killed, plundered, tortured, and oppressed more people for political purposes than in all the other centuries combined. Incredibly, the process has been idealized and might possibly accelerate. Political instability and technical ability have put political man in a position to destroy civilization as we know it.

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There is far less a tendency for women to become politically overextended. When faced with the question of feeding the baby or governing the country, she instinctively knows that her duty lies within her capacity. This is a basic wisdom sorely needed in a world facing problems without solutions brought about by hubris.

A small minority of women are seeking further emancipation through the public sector. But the political world is a man's conclave based on coercion and violence, unsuited to the female temperament. A far better place for women to make their mark is in the private sector. Most women have chosen this path.

Women as Producers

In 1980 some 52 per cent of all women aged 16 and over were in the work force, up from 27 per cent in 1940. Today, for the first time working women outnumber housewives. It spells a rise in creativity at which women have always excelled. The problem of divided loyalty brought about by separating women from their children still exists. But Alvin Toffler has suggested in *The Third Wave* (the first two waves being the Neolithic Food Revolution and the Industrial Revolution), that with the advent of the computer age, sophisticated work may be brought back into the home electronically.[8] Although male-dominated labor unions oppose it, seven per cent of the total labor force now works at home full time and six per cent part time.[9] It is a heartening trend.

Today, as women venture to continue their contributions to the work force in new ways, they merely ask to be welcomed and to have their worth recognized. In acknowledging their economic contribution of the past and recognizing their potential for the future, men will also come to accept the feminine point of view on weighty matters as valid and a necessary adjunct to their own. But such an intellectual melding can only come about if women are accepted as full-fledged partners and peers without reservation. They deserve nothing less. ✠

—FOOTNOTES—

[1]Desmond Morris, *The Naked Ape* (McGraw Hill, 1967), pp. 67, 187.

[2]Elaine Morgan, *The Descent of Woman* (Bantam Books, 1973), pp. 159–190.

[3]Will Durant, *Our Oriental Heritage* (Simon and Schuster, 1954), p. 32; also Morris, p. 188.

[4]Morgan, pp. 171–173.

[5]*The Human Population* (Scientific American Books, W. H. Freeman, Inc., 1974), pp. 15–17; also E. A. Wrigley, *Population and History* (World University Library, 1969), pp. 44–45.

[6]Wendy McElroy, editor, *Freedom, Feminism, and the State* (Cato Institute, 1982), p. 4.

[7]Durant, p. 35.

[8]Alvin Toffler, *The Third Wave* (William Morrow & Co., 1980), pp. 181–193.

[9]*The Wall Street Journal*, March 1, 1984.

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Kenneth McDonald

Getting Governments Out of Debt

A CURIOUS FEATURE of the economic scene is the persistence with which commentators regard government's financial affairs as being somehow different from everybody else's. Government's indebtedness, both in its annual form of deficits and in its perennial form of accumulated debt, is merely a subject for debate. Some would reduce it, while others hold that it could be increased to the general advantage.

None of them, we can assume, would countenance, in their personal affairs, anything approaching indebtedness of comparable proportions. Any tendency in that direction would be corrected at once. Yet they attach no such urgency to the national debate. Whether the debts are accumulating in Washington, or Ottawa, or London, no date is set for repayment.

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It is not so much that those capitals are remote from the generality of citizens as that what goes on there is too vague to be understood. What, after all, is the citizen of Terre Haute, or Temiskaming, or Totnes to make of departments of state too numerous to recite, and inhabited by people of whom one Canadian Auditor General wrote that "30 per cent don't know what they are supposed to be doing"?

It is in this vagueness, this lack of a power to grasp, that the trouble lies. The housewife knows how much there is to spend, and budgets accordingly. So does the businessman. So, within certain limits, does the corporate executive.

The housewife's budget may provide for mortgage payments, the businessman's for repayment of long-term debt, the corporate executive's for obligations to debt and equity. But each one represents both

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payment toward eventual discharge and provision for the same out of earnings. (Equity may not be discharged, but shareholders are free to dispose of it.)

Not so with governments. Whatever payments they may make are not to discharge the debt but to pay interest on what was borrowed before plus the interest on what has been borrowed lately. That the money to pay interest may also be borrowed, until the borrowings compound one another like boxes in a Chinese puzzle, goes unremarked. This year's deficit commands the headlines. Yesterday's and tomorrow's must fend for themselves.

Participants in the debate who opt for reducing the deficit and, eventually, the debt, declare that either spending must be cut or taxes raised, or both. Likening the national budget to other budgets, they offer like treatment: excess of expenditure over revenue calls for spending less or earning more.

Another Way Out

But there is another way, one that businessmen were forced to follow during the past two years. Faced with declines in earnings, their path to debt reduction lay through asset sale, through lowering the debt ratio by selling equity, and withdrawal from unprofitable activities.

So could it be with governments. After a century of growing state interventions in the economy—1984 is the 100th anniversary of the publication of Herbert Spencer's *The Man Versus The State**—there is enough evidence to show that governments are unsuited to running businesses. Their job, which only they can do, is to set the rules of the game and to see that the players abide by them.

As Spencer wrote: "Every additional State interference strengthens the tacit assumption that it is the duty of the State to deal with all evils and secure all benefits. Increasing power of a growing administrative organization is accompanied by decreasing power of the rest of society to resist its further growth and control . . . The people at large, led to look on benefits received through public agencies as gratis benefits, have their hopes continually excited by the prospect of more."

The task for commentators, and for enlightened political leaders, is to make the connection between those "gratis benefits" and the public debt.

It is safe to assume that a majority of citizens, having given the matter a moment's thought, will conclude that none of the benefits can be gratis. The public agencies' staffs must be paid, the facilities from which they supply the benefits

*Herbert Spencer, *The Man Versus The State,* Liberty Classics, 1981.

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must be built and maintained. The equipment they use must be manufactured and paid for. All these costs are a charge on the public purse. Yet any suggestion that the services be priced, and that the citizens who use them should pay the prices, is said to be politically unacceptable.

The provision of "universal" services, for which everyone pays indirectly, and which results from a supposedly democratic process, has become a political fixture. A major element of national economies is sheltered from the economic pressures that contain the other elements. The costs incurred rise under the impetus of unchecked demand. The element that is sheltered becomes a major component of the public debt.

Ideally, bringing the reality of price to those services would be debated by political leaders. But self-interest prevents it. The fear of defeat at the polls is more pressing than the debt that stems from the policies. They are in what psychologists call a social trap. Like drug addicts who know that the addiction is harmful, they seek temporary relief in exchange for lasting damage. Like those other addicts, they need outside help.

It lies with the financial community whose spokesmen are most prominent in criticizing the debt. Not that the nation's leading bankers and investment dealers are impartial. Financing the debt constitutes a sizable part of their business. The trap they are in is similar to that of the politicians, with this difference: that the financiers have the means to get out of it with advantage to themselves.

The debt crisis presents them with the opportunity to assist governments in applying the same remedies that businesses were forced to adopt: selling tangible assets (which has already begun in Britain and the U.S.A.), selling equity, and withdrawing from unprofitable activities.

To this end, and taking elements of the state's activities in turn, they would tailor prospectuses accordingly. One might describe an equity offering to finance the operation of one or more universities by a company to be formed for the purpose. Another might make a similar proposal for public and high schools, another for public transportation, yet others for health and hospital care.

These instruments would supply the focus for debate. Politicians would have firm proposals to consider, practical alternatives to the present methods.

Included in prospectuses would be the requirement that all operators of enterprises that emerged from the financing must conform to standards that national or local governments would set and enforce. Also

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included would be estimates, based on analyses of past operating costs, of potential earnings. Of necessity, these would assume that the facilities' clients paid for the services that were supplied, and here, of course, is the nub of the argument.

Now, everyone is paying indirectly for services that are available to all but which not everybody uses. The market mechanism which furnishes a multitude of products at prices to suit a multitude of pockets is stopped short of the products that governments dispense. Stopping that mechanism stops also the checks it imposes on waste, inefficiency and heedless spending. Therein lies the root of the debt. Though many of the services are supplied by local authorities whose borrowing is usually limited by statute, it is the money-issuing national government, sending its subsidies and transfers and grants throughout the land, that accumulates the debt.

In short, an undertaking of this kind would involve neither a cut in spending nor a rise in taxes. Rather would it bring about a cut in *borrowing* and a *transfer* of spending from governments to the citizens. Taxes would fall of their own accord. Instead of being involuntary debtors in a system of monopoly services that gives them no choice, citizens would become shareholders in enterprises that vied for their custom.

None of this would happen overnight. The proposition does not lend itself to the sort of grandiose concepts that have landed us in the mess we are in. Rather does its chance of success depend upon experiments here and there, learning from mistakes and profiting by examples, in the market mode.

But who can doubt that it is the direction to take?

IDEAS ON LIBERTY

Bradford B. Smith

THE REAL HOPE for the recovery of individual liberty lies with millions of individual citizens and in the prospect that they may rediscover the nature of government. It lies in their rediscovery that government wields the monopoly in coercion; that it has in the past and will in the future be ever subject to awful temptation to employ or delegate its coercive power for seemingly benevolent purposes beyond the limits compatible with the maintenance of individual liberty; that the limits once broken, its power tends to feed upon itself; that government tends always toward becoming master and always away from remaining as servant; and that persistently these tendencies must be jealously and rigidly checked if individual liberty is to be preserved.

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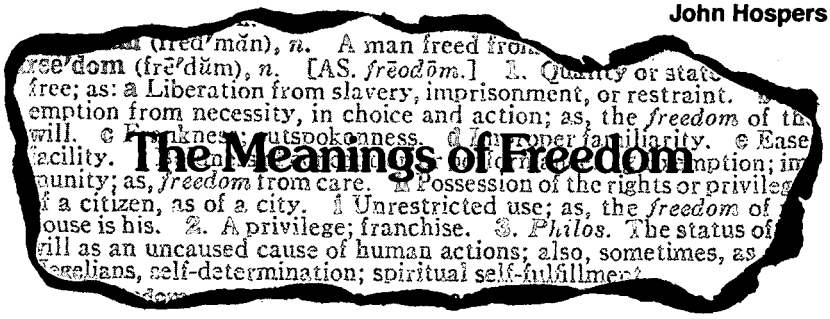
John Hospers


(frēd'măn), n. A man freed from
free'dom (frē'dŭm), n. [AS. frēodōm.] 1. Quality or state
free; as: a Liberation from slavery, imprisonment, or restraint.
emption from necessity, in choice and action; as, the freedom of th
will. c Frankness; outspokenness. d Improper familiarity. e Ease
facility.
munity; as, freedom from care. 4 Possession of the rights or privileg
of a citizen, as of a city. 5 Unrestricted use; as, the freedom of
ouse is his. 6. A privilege; franchise. 7. Philos. The status of
ill as an uncaused cause of human actions; also, sometimes, as
gelians, self-determination; spiritual self-fulfillment

The Meanings of Freedom

EVERYONE, it seems, is in favor of freedom. Amnesty International works constantly to bring about the freedom of prisoners in totalitarian nations, especially from torture and degradation. The A.C.L.U. wishes to extend freedom in the direction of civil liberties, even while it recommends that a Soviet youth be forced to return to the U.S.S.R. because his parents wish it. The Soviet Union itself proclaims its dedication to the "freedom of the Soviet peoples" from the "exploitation" of Western capitalism.

But what is this value that everyone proclaims, at least in words? Without a context, what is being said is far from clear. If you heard a stranger exclaim "I'm free!" what would you be entitled to infer? Perhaps he has just got out of jail; perhaps he has just been divorced; perhaps he has just recovered from an operation; perhaps he has overcome an allergy, or been successfully treated by a psychoanalyst. Like so many words, "freedom" and "liberty" have come to refer to almost any kind of condition of which the speaker approves. When this happens, it is time to clarify our use of the term, so that it refers to something definite enough to convey a clear meaning in our effort to communicate with one another.

Freedom-from vs. Freedom-to

The most important distinction in the discussion of freedom is between *freedom-from* and *freedom-to*. The Soviet expatriate in the U.S. is free from the dictatorship to which he was subject in the U.S.S.R.; the American businessman, after a regulatory act has been repealed, is now free from the restrictions im-

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posed by that regulation. But once this freedom-from has been obtained, a person is free *to* do many things he could not do before: the Soviet expatriate is now free to choose his own line of work, to buy property, to become an entrepreneur and hire workers, and so on; the businessman is free to conduct his business in a way he was legally prohibited from doing before. The more one is free *from* restrictions, the more one is free *to* do things that he could not do while bound by restrictions.

The two are thus intimately related, but they are not quite two sides of the same coin. If I go mountain-climbing and fall into a crevasse, I am not free to move about, or do anything but remain there until help arrives; my choices are extremely limited. And yet, if I went on the expedition voluntarily, there is no question of my lacking freedom-from: nobody made me go, I was not responding to anyone's command, nobody coerced me. My present sad plight with regard to freedom-to is not the result of any lack of freedom-from. True, I am not free-from obstacles to my getting out of the crevasse—such as the height of the pit and the lack of rope, etc.—but there are no man-made constraints. Much, then, depends on whether freedom-from is considered freedom from constraints or obstacles in general, or whether it is freedom from *man-made* constraints and obstacles.

Freedom from the Will of Others: The Absence of Coercion

"The original meaning of the word 'freedom,'" writes Hayek, "meant always the possibility of a person's *acting according to his own decisions* and plans, in contrast to the position of one who was irrevocably subject to the will of another, who by arbitrary decision could coerce him to act or not to act in specific ways. The time-honored phrase by which this freedom has often been described is therefore *independence of the arbitrary will of another.* In this sense 'freedom' refers solely to a relation of human beings to other human beings, and the only infringement on it is by coercion by other human beings."[1] (*Voluntary* compliance with the wishes of others is simply honoring their suggestions or taking their advice, which involves no lack of freedom.)

Freedom-from in this sense is absence of coercion by others; and this, in addition to being the fundamental and original sense of the term, is undoubtedly the most important kind (but, as we shall see, not the only kind) of freedom-from. But this definition in turn requires that we be quite clear about the meaning of the term "coercion." What is coercion? Let us examine a few cases:

1. A man, stronger than I, forces

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my hand on the trigger of a loaded gun, and with the strength of his hand on mine forces me to pull the trigger. Is he coercing me? He is certainly using force to get me to do his bidding, and if that is coercion, I am being coerced. But the act of pulling the trigger is not my act; both morally and legally, it is *his* act, and *he* is the killer, not I. I have not *done* anything: I am the passive victim, he the agent. I have not performed a coerced action; I have not performed any action at all.

2. A man with a gun at my back threatens to shoot me if I refuse to hand over my wallet. Rather than surrender my life, I surrender my wallet. Here indeed I have been coerced: *I* have done something, but I have done under coercion what I would not have done of my own free will (surrendered my wallet). I still had a choice, but my choices were limited by his coercive action; but for the coercion, I would have chosen to surrender neither my life nor my wallet.

3. An employer fires a worker. Has he coerced the worker? Clearly not; he has simply decided to terminate a relationship voluntarily entered into by both parties, either because the worker was no longer needed or because the worker was inadequate to the job. Socialists often call this coercion—or its cousin, "exploitation"—and yet if the worker quits his job for a better one, they would never call it coercion or exploitation. There is an asymmetry in the socialist's position which is not often noticed. But the one is no more coercion than the other.

4. The employer says, "If you don't give me your sister in marriage, I'll fire you." Here there is clearly a threat; is there coercion? There surely seems to be coercion; one may hesitate in calling it so only because one is not sure about the seriousness of the threat. In most cases the worker would just quit and go somewhere else. Perhaps it was only an *attempt* at coercion?

Coercion can be a matter of degree. It depends on (a) the seriousness of the threat to the person threatened, on (b) whether the threatener is able to go through with the threat, and on (c) the likelihood of his doing so (most threats are idle, like "I'll kill you" uttered in a bar-room brawl). If someone says to you "If you don't do as I command, I'll set fire to your house" you are likely to take it as a serious threat, but one to which you may not give in if your house is fully insured, or if your freedom is more valuable to you than the house. If he says, "If you don't do as I command, I'll let the air out of your tires," you might not consider the threat worth responding to: rather than capitulate, you might simply say "Go ahead and do it." If he says "If you don't do as I command, I'll plant a

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nuclear bomb in your house and destroy the whole city," the threat is a serious one indeed; but now it is quite probable (varying of course with circumstances) that either he can't go through with the threat or he won't. If he both can and probably will, this would indeed constitute a strong case of coercion.

In law, coercion exerted upon you to do something usually counts as excusing of what you have done: it was done "under duress," and the responsibility for the act shifts to the person who threatened you. But it is not always so: if someone says he will kill you if you don't kill Mr. X, and everything points to his power and willingness to fulfill his threat, you are nevertheless likely to be liable for murder. (If you could successfully plead duress, and the threatener could repeat his threat, this time demanding that you kill Mr. Y and Mr. Z, you could commit as many murders as the person demanded while getting off scot-free. The law says you should risk being killed yourself rather than fulfilling such threats.)

5. You stake a claim in the desert, build a house, and dig a well. Soon thereafter another man settles on a nearby strip of desert and also builds a house and digs a well. But soon he runs out of water. "Without water I can't live," he says to you. "Won't you give me some of your water, or sell it to me?" But you refuse, saying "My water is not for sale. I may run out of water myself at any time. And even if I don't, I want to be sure. I simply say, No Sale." Although by your action you are depriving him of a resource without which he cannot continue to live in the desert, you have not coerced him.[2] You didn't make him come there; you and he both took your chances with the desert. Instead of saying that you coerced him, it would be preferable to say "The desert has beaten him." Perhaps the humane act would have been to give him some water (though this would only be a temporary expedient, and the same problem would arise again the next day), but in any case you have *not* coerced him. His freedom of action (freedom-to) has been restricted by your action, for he can no longer live in his bit of desert; although he may curse you as he leaves the desert, he cannot rightly say that you coerced him.

Neither did the physician use coercion in refusing to sell or give someone else a life-saving medication that he has invented; the physician's refusal simply places the patient where he would have been anyway without the physician's invention. Neither has the man who declined to rescue a drowning person coerced him; he may not have done his moral duty (depending on circumstances such as: how good a

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swimmer is he? is the water dangerous? can he rescue without great risk to himself? and so forth), but, assuming that the swimmer went voluntarily into the water, he was free-from all coercion both before and after he decided to swim. Even while drowning, he was free in the sense of free-from dictation by others—but not in the sense of being free-to continue his life thereafter.

Freedom as Freedom-from Coercion

There are those who would restrict the meaning to freedom entirely to this sense of absence of coercion. In his fine book, *The Government Against the Economy*,[3] George Reisman writes:

"In the nature of things it is impossible for me to square circles, walk through walls, or be in two places at the same time. It is not possible for me, in the actual circumstances of my life, to win the Nobel Prize in Chemistry or the Academy Award for Best Actor of the Year, or to enter the automobile or steel business. Absolutely none of these facts constitutes a violation of my freedom. In order for a violation of freedom to exist, it is not sufficient merely that someone be unable to achieve what he desires. What is necessary is that the thing stopping him be the government's threat to use force against him, specifically, its threat to *initiate* the use of force against him in response to an action on his part that does not represent the use of force.

"If I ask a girl to marry me, and she says no, my freedom is not violated. But suppose she says yes, and the government stops me from marrying her, say by virtue of a law concerning marriages among people of different races, religions, or blood types—then my freedom is violated.

"If I want to travel to California, but lack the fare and am unwilling to try hitchhiking, my freedom of travel is in no way violated. But suppose I do have the fare to go to California and want to pay it, but the government stops me—say, with a wall around my city (as in East Berlin), a passport restriction, or a price control on aviation fuel that stops the airlines from flying—*then* my freedom of travel is violated.

"Suppose I want to print my views in the *New York Times*, but can neither afford the advertising rates nor persuade the publisher to give me space. My freedom of the press is not violated; I am not a victim of 'censorship.' But suppose I do have the money to pay the advertising rates or could persuade the publisher to print my views, and the government disallows it—*that* would be a violation of the freedom of the press; that would be censorship.

"If I cannot enter the automobile business because I am unable to

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raise the money necessary to buy the equipment that would enable me to produce and sell cars as cheaply as General Motors or Ford, my freedom of competition is not violated. But suppose I *can* raise the money to enter the automobile business, I am backed by a major steel company or a domestic auto firm, and the government stops me; then, and only then, would my freedom of competition be violated."

On Reisman's account, freedom is not violated unless coercion is employed. Moreover, he narrows the scope of coercion by saying that only when done by *government* does it count as coercion. Though government may be the principal source of coercion in our society, especially in matters of economic freedom, it is surely not plausible to say that *only* government can coerce. Highwaymen, bandits, robbers, rapists, and terrorists can certainly coerce just as effectively, and inhibit one's freedom-from being forced to act at the will of others.

The points that Reisman raises certainly need emphasis, but it is questionable whether that emphasis should be provided by so drastically restricting the scope of inhibitions of one's freedom that only coercion, and coercion by government at that, can violate one's freedom. In ordinary discourse, at any rate, the word "freedom" is used more widely than that. It is also used in referring to (a) other kinds of freedom-from, as well as to (b) freedom-to.

Though freedom from the arbitrary will of other persons is the principal way one can have freedom-from, there are other things one can be free-from besides the will of other human beings.

A person who was crippled with arthritis and now is cured is surely free from the debilitating ailment that caused him so much distress. A writer who finds himself unable to write anymore (has a "writer's block") and seeks help from a psychotherapist, who makes it possible for him to overcome his problem and to write again, has been freed from the "inner obstacle" (whatever it was) that kept him from writing. A person who has powerful inner drives that threaten to destroy him, such as a seemingly uncontrollable urge to kill or to set fires, and who is cured through psychotherapy or behavior modification techniques from having these urges, is now free from these impediments to his personal developments. A man who, thanks to Alcoholics Anonymous, has gone for twenty years without a drink is now free from the powerful and constant urge to drink. He has been "set free," not from coercion by other human beings, but from his own destructive inner urges.

Surely these are plausible cases of being free-from, even though no coercion by others is involved.

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Freedom-to

To many writers, and certainly to many philosophers, the freedoms-from we have described are incidental: the main sense of freedom is freedom-to. When we are free, we are free *to* do many things; the wider our range of choices, the freer we are. If I am free to do A,B,C . . . S, I am freer than if my choice is limited to just A and B.

In this sense, freedom is highly correlated with *ability;* the wider the range of my choice, the greater my ability to do various things I want. If I have a million dollars, I can spend the winter in the south of France if I want to, or make numerous large investments, or buy another house—things I would not be free to do if I had no wealth. Freedom-to also gives a person greater *power* (not necessarily political power): it enables people to control aspects of their environment, including other people (if they wish to), as they would not be able to do if they lacked the means to do it.

There are things, of course, we are not free to do even if we have wealth. We cannot, for instance, fly through the air like birds. Is this a limitation on our freedom? Not in the sense of freedom-from coercion; but it is something that, owing to our physiognomy, we are not free *to* do. If your main dream is to fly through the air like a bird, then you will be likely to count your inability to do this as a limitation on your freedom. So is the fact that, though you can bend your legs backward from the knee, you cannot bend them forward.

Freedom to Vote

There is a special area of freedom-to that deserves separate mention: the ability to vote, which is something one is free to do in democracies but not in most totalitarian nations. This freedom is sometimes called "political freedom," though somewhat misleadingly because that same term can also be used for other things.[4] Voting is, of course, one of the many things which in democratic nations one is free to do. Unfortunately, however, it does not always achieve the freedom from tyranny which is widely supposed to be its aim.[5] People are often ignorant and shortsighted, and they often do vote themselves into one or another kind of slavery, often through voting themselves large benefits from the public trough and then suffering runaway inflation and destruction of the currency as an unanticipated result of their actions. A wise man is often outvoted by fools. The freedom to vote, then, while valuable, is far from sufficient to guarantee any other freedom or even render its fulfillment much more probable.

In the writings of the Founding Fathers, freedom always meant

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freedom from tyranny and oppression. But in today's political climate, the appeal of freedom has largely shifted to freedom-to. If you take money away from the wealthy via government transfer payments, you can do (are free to do) many things you could not do otherwise; in this sense, the higher your welfare payments, the freer you are. The Soviet Union, by training and arming insurgents in Central Africa, used the lure of "freedom" as their appeal: if you take the farms from the landowners, you will have them yourself, and then you will be free because you will be rich. The natives would certainly not be free from political control—quite the opposite—but they were promised freedom to do many things with the expropriated money and property that they were unable to do before. As it turned out, what they expropriated soon became (in most cases) useless to them because they lacked the technology to maintain it and a political structure that honored property rights. But the hope and the promise, at any rate, were of increased freedom: the appeal was freedom-to, not freedom-from.

A Dangerous Development

There is no doubt that this shift in the meaning of "freedom" as the term is used in the political arena is a dangerous development. "Once this identification of freedom with power is admitted," writes Hayek, "there is no limit to the sophisms by which the attractions of the word 'liberty' can be used to support measures which destroy individual liberty; no end to the tricks by which people can be exhorted in the name of liberty to give up their liberty. It has been with the help of this equivocation that the notion of collective power over circumstances has been substituted for that of individual liberty, and that in totalitarian states, liberty has been suppressed in the name of liberty."[6] It is fatally easy to pass from freedom as the absence of coercion to freedom as the ability to get what we want (via political coercion).

We cannot object that the word is not constantly used in both these ways, for it is. What we can and should do is to emphasize *that they mean two quite different things.* "Whether or not I am my own master and can follow my own choices, and whether the possibilities from which I must choose are many or few, are two entirely different questions. The courtier living in the lap of luxury but at the beck and call of his prince may be much less free than a poor peasant or artisan, less able to live his own life and to choose his own opportunities for usefulness. Similarly, the general in charge of an army or the director of a large construction project may wield enormous powers which in

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some respects may be uncontrollable, and yet may well be less free, more liable to have to change all his intentions and plans at a word from a superior, less able to change his own life or to decide what to him is most important, than the poorest farmer or shepherd."[7]

Some people prefer to be free from tyranny and regulation even at the price of being poor; they remain masters of their own lives. Others prefer to be free to have many choices—or at least they accept the *promise* of having many more choices in the future—while their lives and those of their fellow human beings are ruled and regulated by a powerful central authority. A large part of the history of the twentieth century could be written as the shift from the first, and fundamental, meaning of "freedom" to the second. Both kinds of freedom are doubtless desirable, but people have been all too willing to give up the first kind of freedom for the second, only to find that the second was not after all vouchsafed to them precisely because the first was sacrificed; their fate had been placed in the hands of others.

Freedom and Other Values

It is most important to emphasize, however, that while freedom is an enormously great value, it is not the sum of all values. A person can be free and yet miserable. A person may be free *from* tyranny and oppression and yet depressed, psychotic, or unhappy because of painful injuries. A person may be free *to* do many things and yet unhappy doing any of them.

"Freedom may mean freedom to starve, to make costly mistakes, or to run mortal risks. In the sense in which we use the term [freedom-from], the penniless vagabond who lives precariously by constant improvisation is indeed freer than the conscripted soldier with all his security and relative comfort."[8]

Nor is it even desirable that a person should be as free as possible in either sense. (1) A person should be free *from* others controlling his life, but not if he is a small child or an imbecile. In any case, there are many desirable laws restricting people's behavior, such as traffic laws, yet every law is a restriction on one's freedom from control by others. (2) A teenager who has just inherited a million dollars is freer *to* do many things than his peers are, but so much money so early in life may ruin him; it might be better if he had not had this freedom to spend so early in life, before he could handle it. Freedom is a heady wine, which needs to be tempered with responsibility, restraint, and rational thought. Having a considerable degree of it is, at best, a *necessary* condition for one's happiness or well-being, never a *sufficient* condition.

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Freedom and the Market

For the free market to operate, there must be freedom from the whims of dictators and bureaucrats. The market can survive, though crippled, with *some* degree of interference, but when the interference becomes severe enough to keep a man from being able to estimate probabilities into the future, or when his taxes become so high that it is no longer worth his while to continue in operation, the market is no longer able to function so as to produce a vast quantity of goods and services at competitive prices. Freedom-from is indispensable to the market, and is indeed its chief condition.

Freedom-to is a highly beneficial *consequence* of the unimpeded operation of the market. When entrepreneurs are free from economic controls imposed on their activities by others, they will produce a proliferation of goods which the public is then free to consume. This freedom-to on the part of the public is the direct result of freedom from controls which makes the market able to function.

But this is a lesson which, unfortunately, most of the buying public has yet to learn. They want a large diversity of goods at competitive prices, but they are not averse to shackling the producer of these goods so as to make him less able to produce them. But in the economic realm you cannot have the one freedom without the other: freedom-to (for the buyer) and freedom-from (for the producer) are inextricably linked. When the one is lost, so, in a short space of time, is the other.

—FOOTNOTES—

[1]Friedrich A. Hayek, *The Constitution of Liberty* (Chicago: University of Chicago Press, 1960), p. 12.

[2]Hayek writes, "True coercion occurs when armed bands of conquerors make the subject people toil for them, when organized gangsters extort a levy for 'protection,' when the knower of an evil secret blackmails his victim, and, of course, when the state threatens to inflict punishment and to employ physical force to make us obey its commands. There are many degrees of coercion, from the extreme case of the dominance of the master over the slave or the tyrant over the subject, where the unlimited power of punishment exacts complete submission to the will of the master, to the instance of the single threat of inflicting an evil to which the threatened would prefer almost anything else." (Hayek, *op. cit.*, pp. 137–8.) Yet he also holds—inconsistently, in my view—that the refusal of the desert-settler to give or sell water to his neighbor is an example of coercion.

[3]George Reisman, *The Government versus the Economy* (Ottawa, Illinois: Caroline House, 1980) pp. 97–98.

[4]For example, the phrase "political freedom" is sometimes applied to a nation when it is not occupied by the armies of *other* nations. In this sense, Nazi Germany was a free nation, and so are numerous African and Latin American dictatorships.

[5]See John Hospers, "Freedom and Democracy," *The Freeman*, June 1984.

[6]Hayek, *op. cit.*, p. 16.

[7]Hayek, *op. cit.*, p. 17.

[8]Hayek, *op. cit.*, p. 18.

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Ridgway K. Foley, Jr.

The Consummate Role Player

MODERN CULTURE embraces fatuous men and women made popular by the inept and dismal creators and patrons of alluring yet banal attractions. Those who establish fashion, by means of news stories or events, focus the attention of the adoring multitude upon sportsmen and musicians, actors and politicians, often inventing a larger-than-life montage of mere individuals who, upon cursory analysis, leave a great deal to be desired as human beings. Occasionally, this fascination of the prosaic obscures a remarkable person, one who, in an age devoid of heroes, deserves accolades and applause. If requested, I think I should nominate one such man, Corky Calhoun, as the pre-eminent sportsman of this past decade, not so much for his athletic accomplishments as for his demeanor on the court and his apparent comprehension of a lesson worthwhile for all of us to learn and apply in every function and post in life.

It requires a true afficionado of sport even to recall Corky Calhoun. He was the last man off the bench on a wondrous basketball team which, for a season and one-half, played Cinderella in charming fashion and transformed my tranquil home town at the confluence of the Columbia and Willamette Rivers into a cacophony of cheers and pride.

The National Basketball Association's Portland Trailblazers, a sorry expansion club in 1970, suddenly became a "team" in the finest sense of the word during the 1976–77 season. In a sport dominated by alleged superstars, often intent on individual accomplishment at the expense of others, an experienced coach (possessed of a Ph.D., no less) molded twelve players into a unit which rose to collect the crown and rule the sport for two-thirds of the ensuing year, until injuries felled all hopes for a dynasty.

The denizens who determine the existence and content of common

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heroes enjoyed a plethora of riches on this Blazer team: A colorfully-attired coach; a red-haired, deft-passing flower child at center; a muscular forward escapee from the late, unlamented American Basketball Association; a courageous blond Lilliputian in the land of giants; a speedy rookie from Dayton who blossomed in the spring; two men named Neal and Steele, first off the bench and capable of starting for almost any other club; and other individuals too numerous to mention; all welded into an entity which meshed like fine gears in a sonorous machine.

The Role Player

In light of these myriad demigods, why would anyone seek to sanctify Corky Calhoun, the man at the end of the pine? Simply stated, Corky Calhoun represented truly Homeric qualities in the life of sport. He recognized his role on the team and he played it with unyielding fervor. I recall him as a tall, slender black man, with long arms and bright eyes. He moved so smoothly that the very motion concealed his speed. He adhered to fundamentals and purpose. Most of all, I remember his smile which never left his countenance, even on the darkest of days. He enjoyed his work, his participation in a child's game, and he performed well. He was versatile. By size and nature, he exhibited the characteristics of a "small forward," but he could fill in at "power forward," "off guard," or, in a pinch, even at the post. No matter the position or the occasion, Corky Calhoun did his best (which was quite good) and he did it smiling. One would hope that he displayed these sterling features in his private life as well.

The world craves role players, men and women who possess a sense of fundamental value and who adhere to civility with a smile at a time when principle, integrity and honor appear to be forsaking this foundering ship. By virtue of human nature and great misfortune, the world is inundated with dictators—large and small—but bereft of role players. The proof abounds about us. For every person of principle, one discerns a host of rabble who delight in barking orders and directing mankind. Leonard Read termed the latter "dictocrats," a most precise and scrupulous description.

Every planner, tyrant, slave master and social engineer—and those who direct them to positions of authority and feed off their misbegotten largess—all delight in dictating ends and means to their fellow citizens. The dictocrat decides what *should* be done and *how* to do it. He then commands others under his fleeting majesty to carry out his mandates or suffer the consequences. He cares nothing for the

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hopes, prayers and desires of the pawns. He controls them in the same manner as the lord of the manor dominated the serf of medieval times.

Doing One's Best

Contrast the role player. He knows who he is and, just as important, who he is not. Corky Calhoun made a fine Corky Calhoun; he would have appeared very foolish if he had attempted to pass himself off as Bill Walton. The role player exhibits an awareness of participation in a greater plan, equivalent to the precept of team play in the NBA. One who recognizes natural law and governs his actions accordingly survives the vicissitudes of life with greater equanimity than one who flails at windmills. The role player seeks perfection of self. He does not consider himself to be the supervisor of the world. He knows that self-improvement constitutes a sufficient task for a lifetime and beyond. The role player subscribes to fundamental principles of moral law and right action, in much the same way that Corky Calhoun played position defense when called into a game. Most of all, the role player exemplifies with his smile (which may mask his fervor and passion) an acceptance of his role in life without quibble, quarrel or envy.

Many a panjandrumatic habitué of the entertainment, political or social scene devotes his life to the envious pursuit of shallow goals in an effort to avoid accountability and acquire the mythical something-for-nothing. The crowd substitutes self-aggrandizement for self-improvement, immoral acquisition for proper creation. The live-for-the-day hacks sponsor consumption in place of saving, and rely on theft and coercion in place of productivity and trade. The congruent quality of the show-off differs significantly from that of the role player: The former deals with appearance, the latter with reality. The consummate role player recognizes the essence of the shadows in Plato's cave; the pre-reflective dictocrat accepts demonstrated untruths as gilt-edged and unassailable verities.

Perhaps some of the alarming disarray of error afflicting mankind in the last quarter of this century could be set aright by the development of a few men and women emulating the courtside appearance of Corky Calhoun. Few of us are destined to shake the earth or perch it on our shoulders. Most of us possess quite limited talents and numerous faults. Those who fit the latter category should ascertain and practice high principle with fidelity within a self-perceived and supremely acquitted role. To do so entitles one to St. Paul's accolade applied to those who run the good race.

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Clarence B. Carson

The Fruits of

Independence

THE Constitution of 1787 was a culmination. It was the culmination of a decade of constitution making in the states and for the United States. It was the culmination of several long traditions. For one, it was the culmination of a British tradition of having written acknowledgements and guarantees of rights and liberties. For another, it was the culmination of a colonial tradition of having governments based upon charters. And for yet another, it was the fruition of the Judeo-Christian and Protestant practice of appealing to the precise written word. The Constitution brought to fertile fruition, too, the natural law philosophy. The natural rights doctrine, which held a central place in the justification of revolt against British rule, now served as a basis for protecting rights and freeing people under independence.

That is a way of saying that liberty was the great motivating theme of these years. The desire to preserve and extend their liberty moved the Patriots to break from England, to fight a War for Independence, and to establish their own governments. The constitution making of these years was animated by the determination to establish liberty more firmly upon these shores. Of course, those who participated in these activities were under the sway of a whole range of motives, ranging from the noble to ordinary to sometimes base ones, as people always are. But what distinguished them, surely, was the steadfast determination to establish liberty.

Dr. Carson specializes in American intellectual history. This article is reprinted here by permission from his book series now in preparation, A Basic History of the United States.

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Limited Government

The Founders believed that for people to have liberty and enjoy their rights governments must be limited and restrained. They believed that government is necessary, of course. It is necessary because men without government would do violence to one another; the strong would prey upon the weak; the clever would take unjust advantage of others; disorder would prevail. Or, to put it another way, man is a fallen creature and must be restrained from harming others. But governments are made up of men as well, and those who govern are given unusual power over others. It is especially important, then, that government be limited and restrained. If men were angels, Madison observed, they would have no need of government. And if they had angels to govern them, there would be no need of limiting the government. But those are not the conditions that prevail: there are fallible men to be governed and fallible men to govern them. That being the case, they believed that government should be limited.

Indeed, there probably have never been a people more jealous of their rights or more aware of the dangers of government to them than were Americans in the late 18th century. The documents of this period are replete with warnings about the dangers of extensive or unrestrained government power. John Dickinson stated that it was his conviction "that every free state should incessantly watch and instantly take alarm on any addition being made to the power exercised over them."[1] Thomas Jefferson maintained that "The natural progress of things is for liberty to yield and government to gain ground."[2] John Adams wrote Thomas Jefferson in 1777 congratulating him on the fact that Virginia had been able to fill its quota for the Continental Army without resorting to the draft, for he said that a draft "is a dangerous Measure, and only to be adopted in great Extremities, even by popular Governments." He had observed, he said, that kings gathered armies in this fashion as a means of realizing their own ambitions.[3] Power was the danger, not simply the form of government, according to Richard Henry Lee. He thought "that unbridled passions produce the same effect, whether in a king, nobility, or a mob. The experience of all mankind has proved the . . . disposition to use power wantonly. It is therefore as necessary to defend an individual against the majority in a republic as against the king in a monarchy."[4]

The dangers of government were fully rehearsed in the Constitutional Convention. For example, Rufus King of Massachusetts objected to setting a date for Congress to meet each year because he "could

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not think there would be a necessity for a meeting every year. A great vice in our system was that of legislating too much."[5] Roger Sherman wanted to make the President absolutely dependent on Congress because "An independence of the Executive . . . was in his opinion the very essence of tyranny. . . ."[6] Benjamin Franklin opposed salaries for those in the executive branch because, he said, "there are two passions which have a powerful influence on the affairs of men. These are ambition and avarice; the love of power, and the love of money. Separately, each of these has great force in prompting men to action; but when united . . . in the same object, they have in many minds the most violent effects. Place before the eyes of such men, a post of *honour* that shall be at the same time a place of *profit,* and they will move heaven and earth to obtain it."[7]

James Madison pointed out the dangers of unrestricted majority rule: "In all cases where a majority are united by a common interest or passion," he said, "the rights of the minority are in danger."[8]

This awareness of the dangers of governmental power, an awareness sharpened by the history of the abuse of those powers over the years, provided the framework for the American limitation of government. It was this that so moved them to separate the powers of government into three branches—the legislative, executive and judicial —, to divide the legislature into two houses, to give the states a check on the government through the Senate, and to disperse power between the general government and the states. But the Founders went beyond separating and dispersing power; they made it necessary for branches to act in concert to accomplish their ends and required a *consensus* for great and important changes.

Legislation has to pass each of the houses separately and be approved by the President to become law. In addition to that, any act is supposed to be in keeping with the powers granted under the Constitution, and the courts may refuse to enforce it. Thus, ultimately, all acts may require the approval of all three branches. That would be majority rule, however. But if the President vetoes a bill, it can only become a law by being passed in each house by at least two-thirds of those voting. That moves closer to the requirement of consensus for government action. For major changes in the government—constitutional changes—there is, in effect, a required consensus. The ordinary route of amendment is for each of the houses to approve a proposed amendment by two-thirds of those voting. Then, the amendment must be submitted to the states, and three-fourths of them must approve

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the change. All these are procedural requirements which limit the government.

The United States government is limited in two other ways by the Constitution. First, it is a government of enumerated (named) powers. The government is not clothed with all powers but only such as are named in the Constitution or necessary to put into effect those that are named. James Madison described the situation this way: "The powers delegated by the proposed Constitution to the federal government are few and defined. Those . . . will be exercised principally on external [foreign] objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected."[9]

All legislative powers in the United States government are vested by the Constitution in the Congress. Thus, the powers granted to the government are mostly named in the grant of these powers. They are listed in Section 8 of Article I, and include the following:

> The Congress shall have Power to lay and collect Taxes. . . .
>
> To borrow Money on the credit of the United States;
>
> To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;
>
> To establish a uniform Rule of Naturalization.

The going assumption at the time of the drawing and ratification of the Constitution was that the general government had only such powers as were granted. But it was not left as an assumption; the 10th Amendment spells out the point. It reads, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The second way the United States government is limited is by specific prohibitions. For example, taxation is limited in various ways in the Constitution. It required that all direct taxes be apportioned on the basis of population (altered later by the 16th Amendment). Other taxes must be levied uniformly throughout the United States. All taxation must be for the common defense and/or general welfare of the United States, which was not a grant of power but a limitation upon it. Section 9, Article I contains these among other limitations:

> The Privilege of the Writ of *Habeas Corpus* shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.
>
> No Tax or Duty shall be laid on articles exported from any State. . . .
>
> No Title of Nobility shall be granted by the United States.

In addition to such prohibitions as these the Bill of Rights or first ten amendments to the Constitution

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consists of limitations on the United States government. As already noted, the fear of government generally, and especially of a central government, resulted in the move for a bill of rights. Many were emphatic about the need for such a list to limit the new government. Thomas Jefferson declared that it was a matter of principle with him "that a bill of rights is what the people are entitled to against every government. . . , and what no just government should refuse."[10] Patrick Henry insisted that "If you intend to reserve your inalienable rights, you must have the most express stipulation. . . ."[11]

Liberty, in its genuine sense, is security to enjoy the effects of our honest industry and labors, in a free and mild government, and personal security from all illegal restraints.

—Richard Henry Lee, 1787

At any rate, the Bill of Rights specifically restricts and limits the United States government. The first Amendment begins in a way to make that crystal clear: "*Congress shall make no law* respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech," etc. (Italics added.) The others do not point to a specific branch of government that may not act, but it is clear from the language that government is being restricted by them. For example, the fourth Amendment states that "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause. . . ." Since governments are the only body that may legally do such things, the article clearly is limiting government. So it is with the other parts of the Bill of Rights.

Not only is the United States government limited by the Constitution, but the state governments are as well. They are limited, in the first place, by the grant of powers to the United States government, powers which, ordinarily, states may only exercise, if at all, with the approval of Congress. Second, some powers are absolutely denied to the states, e.g., "No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver *Coin* a Tender in Payment of Debts; pass any . . . Law impairing the Obligation of Contracts, or grant any Title of Nobility."

The central feature of the United States Constitution, then, is the limitation of government.

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Freeing the Individual

A major fruit of independence was the freeing of the individual from a variety of government compulsions. Governments were restrained that individuals might be free. That was the thrust of the making of constitutions during these years. The state constitutions were already limiting state governments before the United States Constitution was written. States frequently had their own bills of rights which had as their main purpose the protection of their inhabitants from government. Moreover, many of the restraints which had been imposed under British rule were removed as independence was achieved. Indeed, Americans used the occasion offered by the break from England to remove those restraints on the individual that did not accord with their outlook.

One of those restraints on the individual was compulsory church attendance and the associated taxation and other restrictions supporting an established church. In the main, these restrictions were removed by disestablishing churches. The establishment most readily dispensed with was that of the Church of England. While that church was established in several colonies, it was not popular in most of them, many of its clergy remained loyal to England, and dissenters were numerous in most states. The movement to disestablish the Church of England was greatly aided, too, by the fact that it was a national church; membership in it was tied to loyalty to the king of England. Since Americans could not accept that any longer, the church was speedily disestablished. Several states had no established churches: namely, New Jersey, Rhode Island, Pennsylvania, and Delaware. Even so, they used the opportunity afforded by independence to reduce religious restraints.

The established Congregational church was maintained for several decades in Massachusetts, Connecticut, and New Hampshire. There was, however, some lightening of the load of religious restrictions in these states. The Massachusetts constitution of 1780 affirmed that every man had the right to worship in his own way, that all churches were equal before the law, and tax monies could be used to pay ministers of churches generally. However, attendance in some Christian church was still required, and people were still taxed to pay ministers. New Hampshire made much the same provisions as Massachusetts, but Connecticut clung to as much as the leaders dared of the established church. They did allow a dissenter from it to avoid payment of taxes if he could present a certificate from an officer of the church showing that he attended. But the days of for-

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mally established churches were ending in New England, too, though disestablishment in the last of these states was not completed until the 1830s.

The constitutions of New Jersey, Georgia, North and South Carolina, Delaware, and Pennsylvania provided that none should be compelled to pay taxes to churches nor attend any service except such as they chose. Virginia, however, made the most thorough-going effort to establish freedom of conscience. This might have been a reaction to the fact that Virginia had the oldest established church in English America and the most rigorously established. Thomas Jefferson, James Madison, and George Mason were leading advocates of religious liberty, but they did not succeed in getting their ideas into law until 1786. This was done by the Virginia Statute of Religious Freedom, which proclaimed religious liberty a natural right. The legally effective portion of the statute reads this way:

> That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burdened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.[12]

In large, this was what Americans were coming to think of as religious liberty.

The Constitution of the United States left to the states the power to determine as they would whether they would have an established church or to what extent religious liberty would prevail. The first Amendment simply prohibited Congress to establish a religion or interfere with its free exercise. The states did, however, move to disestablish churches and to reduce religious restrictions, as already noted, thus freeing people in the matter of conscience.

Many of the provisions in the state bills of rights, as well as the Bill of Rights for the United States, were guarantees of legal practices protecting the freedom of the individual that were a part of the British tradition. The Virginia Bill of Rights, adopted June 12, 1776, was both a model for such documents and illustrates the point. It guaranteed trial by jury in both criminal and civil cases, prohibited excessive bail and fines, declared general warrants to be oppressive, and acknowledged freedom of the press. The protections of persons accused of a crime were stated in detail:

> That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his fa-

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vour, and to a speedy trial by an impartial jury of his vicinage [the vicinity of where he lives], without whose unanimous consent he cannot be found guilty, nor can he be compelled to give evidence against himself; that no man may be deprived of his liberty, except by the law of the land or the judgment of his peers.[13]

In addition to these protections, the Massachusetts Declaration of Rights of 1780 provided for the right to bear arms, the right of peaceful assembly, the prohibition of *ex post facto* laws and bills of attainder, among others. Most of the above provisions are also in the United States Constitution.

Property Rights

There were some major changes from British practice, however, particularly in the matter of ownership of real property. Several feudal restraints on property were removed. Primogeniture—the legal provision requirement that if the owner died without a will the bulk of the estate went to the eldest son—was abolished generally. The most general encumbrance on property was the quitrent, an annual payment due to king or proprietors on land. Such claims as still existed at the time of independence were speedily extinguished, and land thereafter was generally owned in "fee simple." Entail—legal provisions that estates could not be broken up—, where it existed, was abolished. Such royal prerogatives as the right of the monarch to white pines (for shipbuilding) on private land were, of course, nullified.

A part of the freeing of the individual, then, was making real property ownership free of government restraints and disposable at will by the individual. Indeed, property in general was carefully protected both in state constitutions and in the United States Constitution. Some later commentators have claimed that the Founders distinguished between what they call "human rights" and property rights and attached greater significance to the former. The evidence for that does not appear in the documents or pronouncements of the time. If anything, they placed more emphasis on property than on other rights of humans, but they certainly did not declare one variety higher than the other.

For example, the Massachusetts Declaration of Rights states:

> All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.[14]

The Declaration went on to provide that "No part of the property of any individual can, with justice, be taken from him, or applied to public

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uses, without his consent, or that of the representative body of the people. . . ."[15] With even greater clarity, the Virginia Bill of Rights says that people "cannot be taxed or deprived of their property for public uses, without their own consent or that of their representatives so elected."[16]

Slavery

In any case, the tendency of the declarations and constitutions of these years was the freeing of individuals from governmental control of their affairs and protecting them in their rights. It has rightly been pointed out, of course, that where Negro slavery continued to exist it was a glaring exception to this tendency. Some have even gone so far as to accuse the Founders of hypocrisy in professing to believe in the equal rights of all men and acquiescing in the continuation of slavery. It strikes us as strange that Thomas Jefferson, who penned the stirring statement "that all men are created equal," should have been himself a slaveholder. But even in the case of chattel slavery the trend of the 1780s was toward the freeing of the individual, and if the trend and sentiment in the direction of ending slavery had continued apace the apparent contradiction would have been resolved.

Some states began to act with the purpose of eventually ending slavery almost as soon as independence from Britain was declared. In 1776, Delaware prohibited the importation of slaves and removed all restraints on their manumission (freeing by the owner). Virginia stopped slave imports in 1778; Maryland adopted a similar measure in 1783. Both states permitted manumission. In 1780, Pennsylvania not only prohibited further importation of slaves but also provided that after that date all children born of slaves should be free. Similar enactments were made in the early 1780s in New Hampshire, Connecticut, and Rhode Island. In Massachusetts, the supreme court ruled that on the basis of that state's constitution of 1780 slavery was abolished there. Even North Carolina (the greatest resistance to freeing slaves was in the lower South) moved to discourage the slave trade in 1786 by taxing heavily such slaves as were imported after that time. In order to protect free Negroes, Virginia made it a crime punishable by death for anyone found guilty of selling a freed Negro into slavery. As already noted, the Northwest Ordinance of 1787 prohibited slavery in the Northwest territory.

Jefferson had written a warning about the continuation of slavery, which he abhorred, in his *Notes on Virginia*. It was a violation of their most basic rights to keep some people in perpetual bondage. "And can

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the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country," he said, "when I reflect that God is just: that his justice cannot sleep forever. . . ."[17]

Madison, writing in defense of the Constitution, said that it would no doubt have been better if the slave trade had been prohibited by the Constitution rather than delaying action until 1808, but he looked forward to the time when "a traffic which has so loudly upbraided the barbarism of modern policy . . . may terminate forever. . . ."[18]

There is no reason to doubt the sincerity of many of the Founders in wishing an end both to slavery and the slave trade. Moreover, at the earliest date that it could constitutionally Congress prohibited the importation of slaves. Although slaveholders in the lower South were still tenaciously attached to slavery, they were holding out against a tide running in the opposite direction in the 1780s. Even in the lower South, the crops which were so dependent on slave labor—rice and indigo—declined in importance once the break from England was made. Unfortunately, for the abolition of slavery, the cotton gin was invented in the 1790s; cotton became an important fiber; and slavery was revived by the expansion into the Old Southwest.

Free Trade

One of the fruits of independence was the freeing of trade both within the United States and with other peoples around the world. Independence from Britain removed British imposed mercantile restrictions in one swoop. That is not to say that Britain did not continue in various ways to limit American trade after the break. They did, well into the 1790s, at least. But British mercantilism was no longer legally binding on Americans; they could trade with whomever they could and would around the world. Initially, too, the states adopted various restrictions which limited trade within the United States. But the Constitution of 1787 put an end to that.

American belief and sentiments were tending more and more to favor free trade. The freedom of people to trade with whomever they would on mutually agreeable terms seemed to them to be of a piece with freedom for the individual in general. Benjamin Franklin said that "it seems contrary to the nature of Commerce, for Government to interfere in the Prices of Commodities. Trade is a voluntary Thing between Buyer and Seller, in every article of which each exercises his own Judgment, and is to please himself."[19]

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Pelatiah Webster, an American economic thinker of this period, declared: "I propose . . . to take off every restraint and limitation from our commerce. Let trade be as free as air. Let every man make the most of his goods in his own way and then he will be satisfied."[20] Jefferson said that "the exercise of a free trade with all parts of the world" was "possessed by the American . . . as of natural right. . . ."[21]

Actually, the freedom to trade is a corollary of private property. The right to dispose of property on whatever terms he will to whomever he will is necessarily a part of the full ownership of property. At its fully extended development, it involves for the seller the right to find anywhere in the world that buyer who will make the best offer for his goods, his time, or his services. For the buyer of these, it involves his right to locate the most attractive goods at prices he is willing to pay.

Aside from the break from England, the greatest stride by Americans toward free trade was the ratification of the Constitution. The Constitution provided for a common market throughout the United States. The power to regulate commerce among the states was vested in the United States. Thereafter, the states could not obstruct commerce, and the whole country became in effect, a free trading area. Further, the Constitution provided that states may not tax imports or exports, except for carrying out inspection laws, without the consent of Congress. But to discourage any of that, all money collected had to be paid into the U.S. Treasury.

A Common Currency

The Constitution contains several other provisions promoting a common market throughout the country. Congress is empowered to pass uniform bankruptcy laws, set up standard weights and measures, and establish post offices and post roads. A common currency (or money) is also important for trade to take place easily. So far as the Constitution provides for a common currency, however, it does so by indirection. It authorizes the government to coin money and to regulate its value. It does not authorize the passing of any tender laws (laws making any currency or money legal tender or forcing its acceptance), and it prohibits states to make anything legal tender except gold and silver coins.

Paper money had a well deserved bad reputation at the time of the making of the Constitution. Not only did Americans generally have the recent unsettling experience with the Continental currency, which became worthless, but also several states had in the 1780s flooded the market with virtually worthless paper money. When the

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states, most notably Rhode Island, adopted laws to force the paper money into circulation, it not only obstructed trade but also endangered property in debts. The subject of paper money came up twice for extended discussion in the Constitutional Convention. It arose once over a proposal to authorize Congress to emit bills of credit (issue paper money). The delegates were overwhelmingly opposed to the proposal. The tenor of the opposition may be gathered from these delegate comments. Oliver Elsworth of Connecticut declared that he "thought this a favorable moment to shut and bar the door against paper money. . . . The power may do harm, never good."[22] George Read of Delaware "thought the words [emit bills of credit], if not struck out, would be as alarming as the mark of the Beast in Revelations." John Langdon of New Hampshire "had rather reject the whole plan [the Constitution] than retain the . . . words."[23] Voting by states, the delegates omitted the power by a vote of 9 to 2.

Paper money came up again in connection with a proposal to permit the states to emit bills of credit with the consent of Congress. That, too, was overwhelmingly rejected. The states are prohibited to issue paper money. Thus, the only provision for a common currency is in the power of the United States to coin money and the reserved power of the states to make those of gold and silver legal tender.

While the Constitution does not specifically provide for free trade with the rest of the world, its provisions lean in that direction. It does provide that "No Tax or Duty shall be laid on Articles exported from any State." Thus, tariffs on exports are prohibited. Congress is authorized to levy tariffs on imports. In any case, the widespread sentiment in favor of freeing trade set the stage for low tariffs in the early decades of the Republic, and many Americans had come to dislike British mercantilistic restraints too much to wish to impose them on their own trade.

The Voluntary Way

The story of America after 1789, until well into the 20th century, is not so much the story of the doings of government as of people generally. It is the story of freed individuals working, building, growing crops, building factories, clearing the land for farms, organizing churches, providing for families, and doing all those things that make up the warp and woof of life. They did this singly as individuals, as families, and in voluntary groups. This is always to some degree true, of course. The world's work is done by people generally and very little by governments. But

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governments often play a dominant role in the economic, social, religious, educational, recreational, and community lives of a people. This had been so in the European countries from which American settlers came. It has become the rule once again in most places in the world in the 20th century.

The constitution making cleared the ground for the triumph of the voluntary way in America in the late 18th century. Governments were restrained and individuals were freed to pursue their own devices alone or in voluntary cooperation with others. There is no need to exaggerate the extent of this change, however. The British colonists generally enjoyed considerable liberty, as a result of British tradition and law, of British neglect, and of the remoteness of many people from the oversight of government. The Americans continued much of what they considered to be the best of their British heritage under their new constitutions. Nor was everyone freed nor to the same degree under them. Slaves were still in bondage where slavery was continued and could hardly participate in the voluntary way. Children were, as they usually are, under the authority of their parents or other adults. Women generally were still under the protection and in some respects the authority of men—fathers, older brothers, and husbands—, partners, as adults, ordinarily to men, though in some ways subordinate ones. But these last were family matters, not things under the direction of government.

In large, then, the voluntary way triumphed. Governments still issued charters for some undertakings, but these more often confirmed some voluntary undertaking than initiating it. Even the registry of births and deaths was much more apt to be done in the family Bible than in some government office. As churches were disestablished, religion became a voluntary affair. Attendance, participation, the payment of the clergy, what structures would be built, what services would be held, were matters left to individual and family choice and voluntary cooperation. Education had never been firmly established by government in America. There had been some faltering attempts to do so in New England and New York, but not much came of them. The education of children was largely left to parents, and schools and colleges were set up, when they were, by churches or other voluntary associations or simply by some schoolmaster. So it was, too, in the matter of providing for those in temporary or some longer term need. Most often, extended families provided for orphans, for widows, for the sick, and for the disabled. Institutional charity, such as it was, was most apt to

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be provided by churches or private gifts.

Under mercantilism, governments had attempted to direct economic activity for their own ends. The British had not only restricted and controlled economic activity but also granted monopolies to chartered companies to engage in specified production or trade. American colonies had sometimes imitated some of these mercantilistic practices. There were still residues of mercantilism at the time of the founding of the United States, but in general Americans preferred voluntary economic activity to that which was government directed. Mostly men started and operated businesses without asking the leave or aid or charters from government. They built ships and plied the seas in trade as they could and would. In short, they tended to follow the voluntary in their economic life.

How America flourished and grew by voluntary cooperation is a story to be told in detail elsewhere. Suffice it to say here that numerous voluntary societies came into being, that religious denominations multiplied and congregations were organized in virtually every community, that schools and colleges became commonplace, and that there were no more enterprising people in the world than were Americans in the 19th century.

—FOOTNOTES—

[1]John Dickinson, *Letters from a Farmer in Pennsylvania* in *Empire and Interest*, Forrest McDonald, intro. (Englewood Cliffs, N.J.: Prentice-Hall, 1962), p. 73.

[2]Edward Dumbauld, ed., *The Political Writings of Thomas Jefferson* (New York: Liberal Arts Press, 1955), p. 138.

[3]Lester J. Cappon, ed., *The Adams-Jefferson Letters*, vol. I (Chapel Hill: University of North Carolina Press, 1959), p. 5.

[4]Jack P. Greene, ed., *Colonies to Nation* (New York: McGraw-Hill, 1967), p. 562.

[5]James Madison, *Notes of the Debates in the Federal Convention of 1787*, Adrienne Koch, intro. (Athens, Ohio: Ohio University Press, 1966), p. 398.

[6]*Ibid.*, p. 48.

[7]*Ibid.*, p. 53.

[8]*Ibid.*, p. 76.

[9]Alexander Hamilton, *et. al.*, *The Federalist Papers* (New Rochelle, N.Y.: Arlington House, n.d.), p. 292.

[10]Alfred Young, ed. *The Debate over the Constitution* (Chicago: Rand McNally, 1965), p. 49.

[11]Quoted in Moses C. Tyler, *Patrick Henry* (Boston: Houghton Mifflin, 1887), p. 290.

[12]Greene, *op. cit.*, p. 391.

[13]Henry S. Commager, ed., *Documents of American History*, vol. I (New York: Appleton-Century-Crofts, 1962, 7th ed., 1962), p. 104.

[14]*Ibid.*, p. 107.

[15]*Ibid.*, p. 108.

[16]*Ibid.*, p. 104.

[17]Greene, *op. cit.*, p. 398.

[18]Hamilton, *op. cit.*, p. 266.

[19]Quoted in Virgle G. Wilhite, *Founders of American Economic Thought* (New York: Bookman, 1958), p. 308.

[20]*Ibid.*, p. 172.

[21]Dumbauld, *op. cit.*, p. 19.

[22]Charles C. Tansill, ed., *Formation of the Union of the American States* (Washington: Government Printing Office, 1927), p. 557.

[23]*Ibid.*

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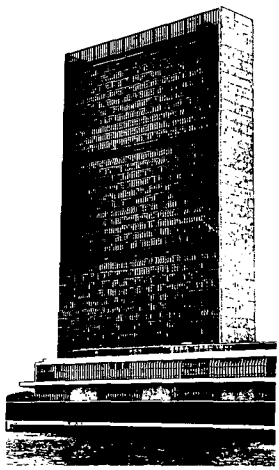
Joseph S. Fulda

The Broken Dream



THE UNITED NATIONS today is a sorry forum in which the unfree nations of the world make ever more oppressive claims on our freedom, in which the planned nations of the world make ever more burdensome claims on our wealth, and in which nations not our friends make ever more relentless claims on the sovereignty of our friends.

Like all overweening governments, the United Nations is used by those controlling it to exact tribute from their fellow man, a facility Americans, too, gained in the aftermath of the Great Depression. The endless bickering among the claimants as to the size, scope, and shares of their demands is punctuated by righteous professions of devotion to peace and indignant protestations of good faith. Our part in this forum, only lately reconsidered, has been to bargain with our freedom, bribe with our wealth, and trifle with our friends. Despite good intentions, our reluctant affirmatives and irresolute abstentions have only served to stamp the unwholesome Acts of this motley body with the validity of the Law of Nations, making way for the next, bolder set of demands.

What went wrong with the forum created, above all, to secure the noble ideals of harmony, goodwill, and peace? Many are the answers provided by the conventionally wise: the distribution of resources, rising ethnicity, continued economic disparities, global scarcities, the rise of international terrorism, the emergence of superpowers, the voting

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structure of the body, the paucity of its powers, and propaganda campaigns, to name but a few. But though some of these conditions are problematic, there are always global and local trends and it is never too difficult to relate the immediate causes of dissension and unrest to these. These are inessential answers that hardly suffice. Then, with Hobbes in mind and a terrible prejudice against human nature, we are told that the promise was too great, the dream too grand, the aspirations too high: The problem of war, they say, is without a solution.

Yet I hold a radically different view. As I see it, the promise was not great enough, the dream not grand enough, the aspirations not high enough. Nothing at all went wrong with the United Nations. It was fatally flawed from the start, for it was based on a conception of peace at once too narrow and too broad, and sought solution to mankind's greatest trouble without searching out its cause. Peace, it was thought, is the presence of goodwill and love or the absence of war. It is neither. The former fosters peace and the latter is the result of peace, for *peace is the absence of force.*

"Live and Let Live"

A world at peace would be governed by the ethos of "Live and Let Live." Force would be used when necessary in self-defense, never as a means to an end. A world at peace, if I may be permitted the vision, brings to mind not a temporary cessation of hostilities in a violent world but a federation of minimally coercive societies in which the bayonets of government compulsion are raised only to neutralize the aggressive individual or outsider.

The deeply mistaken premise of the world body was that governments could solve the problem of war by forming yet another government. But with war, as with so much else, governments are the problem not the solution. There is not a people on Earth who would not rather live in peace. As Solzhenitsyn reminds us in his latest work, *The Mortal Danger,* this is as true of the enslaved Soviet peoples as of us, here in America. But when the powers that be, known as governments, are not accountable to the people, when they who make wars need never fight them, popular yearnings for peace are invariably broken.

More than this, though, the United Nations is predicated on an unwholesome disjunction of ideas. Somehow it is believed that the right to noninterference which among nations is known as sovereignty and among their peoples as sovereignty of the individual is divisible and that therefore the condition of noninterference which among nations is known as peace and among their citizens as liberty

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or security is also divisible, that the one can be attained without the other. When have governments practiced in the unprovoked use of force at home been reluctant to aggress abroad? Are we to believe it an accident of history that the most ruthless dictators have always been the most aggressive?

When, it is asked with longing, will the long-sought ideal of lasting peace descend on the world? The answer is as simple as it is elusive: When the authority of governments is derived from the consent of the governed and extends no farther than the protection of life, liberty, and property properly understood.

Governments were created, Hobbes says, to remove us from "the miserable condition of war" between one man and his fellow. It is now imperative for just this cause (writ large) that we move down the other road, the road to liberty. There is not a nation among nations which could not stand a substantial reduction in government. A real, mutual, verifiable reduction in weapons' stockpiles is indeed a beneficent idea, but it is hardly what matters most. After all, weapons do not wage wars, governments do.

IDEAS ON LIBERTY

Social Power

PEACE is the business of Society. Society is a cooperative effort, springing spontaneously from man's urge to improve on his circumstances and widen his horizon. It is voluntary, completely free of force. It comes because man has learned that the task of life is easier of accomplishment through the exchange of goods, services, and ideas. The greater the volume and the fluidity of such exchanges, the richer and fuller the life of every member of Society. That is the law of association—and of peace.

It is in the free market place that man's peaceful ways are expressed. Here the individual voluntarily gives up possession of what he has in abundance to gain possession of what he lacks. It is in the market place that Society flourishes because it is in the market place that the individual flourishes. Not only does he find here the satisfactions for which he craves, but he also learns of the desires of his fellow men so that he may the better serve them. More than that, it is in the market place that he learns of and swaps ideas, hopes, and dreams and comes away with values of greater worth to him than the material things he acquired.

FRANK CHODOROV "One Worldism"

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Dean Russell

Socialism Is Legal Plunder

FREDERIC BASTIAT, a member of the French Chamber of Deputies in the 1840s, is the author of perhaps the most damning definition of government ever penned: "The state is the great fiction by which everybody tries to live at the expense of everybody else."

When Bastiat made that statement to his fellow-legislators, they ignored him as usual, and continued to design and implement still more welfare programs to be financed by taking money from some people and transferring it to other people as a gift from government. Bastiat called that process "socialism," and he fought against it throughout his career as editor, author, farmer, teacher, and legislator.

Bastiat's classical commentary on government, *The Law,* was published in 1850, a few months before his death. In that short book he explained his concept that plunder is plunder, whether done illegally by a robber who hopes to profit directly, or legally by a group of legislators who profit indirectly by thus maintaining their government jobs.

Actually, since Bastiat was as much a philosopher as he was a political economist, his writings tend to deal with universal principles on the proper organization of government, and what is (and is not) a proper governmental activity, and why.

The opening quotation from *The Law* concerns a frightening development in government Bastiat de-

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This is one of a series of articles examining current interventions of the welfare state in the light of warnings from the French economist and statesman, Frederic Bastiat (1801–1850).

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tected in France almost 150 years ago—a development you may recognize as applicable to many of the activities of our own government. "The law [government] perverted. And the police powers of the state perverted along with it. The law, I say, not only turned from its proper purpose but made to follow an entirely *contrary* purpose. The law become the weapon of every kind of greed. Instead of checking crime, the law [government] itself guilty of the evils it is supposed to punish.

"If this is true, it is a serious fact, and moral duty requires me to call the attention of my fellow citizens to it."

The governmental activities and projects he opposed in the 1840s in France are still with us today in the United States (as well as in France and every other nation). It is not that today's problems are somewhat similar to those Bastiat discussed in his day—they are identical, merely dressed in new clothes and grown much bigger.

The destructive effects of those governmental activities as predicted by Bastiat a century and a half ago are visible everywhere, in the United States as in France—huge deficits, increasing taxes, inflation, more crime, an enormous growth in government, a decline in moral values, and so on. As a result of the accuracy of Bastiat's predictions, there has been a resurgence of interest in his works in his own country. And the same phenomenon is occurring here in the United States.

Legal and Illegal Plunder

To get to the heart of the matter, here's Bastiat's basic concept on plunder, both illegal (theft) and legal (socialism):

> There are two kinds of plunder: legal and illegal. I do not think that illegal plunder, such as theft or swindling that the penal code defines and punishes, can be called socialism. It is not this kind of plunder that systematically threatens the foundations of society. Anyway, the war against . . . illegal plunder has been going on since the beginning of mankind. Long before the Revolution—long before the appearance even of socialism itself—France had provided police, judges, prisons, and scaffolds for the purpose of fighting illegal plunder. The law itself conducts this war, and it is my wish and opinion that the law should always maintain this attitude toward plunder.
>
> But it does not always do this. Sometimes the law defends plunder and participates in it. Thus the beneficiaries are spared the shame and danger that their acts would otherwise involve. Sometimes the law places the whole apparatus of judges, police, and prisons at the service of the plunderers—and treats the victim, when he defends himself, as a criminal. In short, there is *legal plunder*. . . .
>
> But how is this legal plunder to be identified? Quite simply. See if the law takes from some persons what belongs to them and gives it to other persons to

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whom it does not belong. See if the law benefits one citizen at the expense of another by doing what the citizen himself cannot do without committing a crime.

Then abolish that law without delay. For it is not only an evil in itself but also a fertile source for further evils because it invites reprisals and imitation. If such a law—which may be an isolated case—is not abolished immediately, it will spread, multiply, and develop into a system. . . .

Legal plunder can be committed in an infinite number of ways. Thus we have an infinite number of plans for organizing it: tariffs, subsidies, progressive taxation, government schools, guaranteed jobs, guaranteed profits, minimum wages, a right to relief, a right to the tools of labor, free credit, and so on and so on. All these plans together—with their common aim of legal plunder—constitute socialism. . . .

If you wish to be strong, begin by rooting out every particle of socialism that may have crept into your legislation. This will be no light task. . . .

This question of legal plunder must be settled once and for all, and there are only three ways to settle it: First, the few plunder the many. Second, everybody plunders everybody. Third, nobody plunders anybody.

We must make our choice among limited plunder, universal plunder, and no plunder. The law can follow only one of these three.

Limited legal plunder: This system prevailed when the right to vote was restricted. Some would turn back to this system to prevent the invasion of socialism.

Universal legal plunder: We have been threatened with this system since the franchise was made universal. The newly enfranchised majority have decided to formulate law on the same principle of legal plunder that was used by their predecessors when the vote was restricted.

No legal plunder: This is the principle of justice, peace, order, stability, harmony, and logic. Until the day of my death, I shall proclaim this principle with all my strength. . . .

In all sincerity, can anything more than the absence of plunder be required of the law? Can the law—which necessarily requires the use of force—rationally be used for anything except protecting the equal right of everyone? I defy anyone to extend it beyond this purpose without perverting it and, consequently, turning might against right. This is the most fatal and most illogical social perversion that can possibly be imagined. It must be admitted that the true solution—so long searched for in the area of social relationships—is contained in these simple words: *Law is organized justice.*

Now this must be said: When justice is organized by law—that is, by force—this excludes the idea of using law [government] to organize any human activity whatever, whether it be labor, charity, agriculture, commerce, industry, education, art, or religion. The organizing by law of any one of these would inevitably destroy the essential organization—justice. For truly, how can we imagine force being used against the liberty of peaceful citizens without it also being used against justice, and thus acting contrary to its proper purpose?

Here I encounter the most popular fal-

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lacy of our times. It is not considered sufficient for the law to be just; it must be philanthropic. Nor is it sufficient that the law should guarantee to every citizen the free and inoffensive use of his faculties for physical, intellectual, and moral self-improvement. Instead, it is demanded that the law should directly extend welfare, education, and morality throughout the nation.

This is the seductive lure of socialism. And I repeat: These two uses of the law are in direct opposition to each other. We must choose between them. A citizen cannot at the same time be free and not free.

In the above discussion on legal plunder (socialism), Bastiat identifies at least 16 specific areas in which it was found in France in 1848. After that listing, he adds, "and so on and so on." Every one of those listed programs and projects is widely sponsored by our own government today, including many additional "legal plunder schemes" to be found under Bastiat's catch-all phrase, "and so on and so on." These will be discussed in subsequent articles.

THE LAW by Frederic Bastiat

The law, it has been said, is nothing more than the will of tyrants. So it has been many times in history. But just laws depend upon a law which underlies the law passed by legislatures or declared by rulers. It is a law which provides the framework of liberty. Emancipation from the doleful theories of the compulsive state awaits discerning readers of this brief treatise.

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Victor Aguilar

The Religion of Statolatry

"People frequently call socialism a religion," said Mises. "It is indeed the religion of self-deification."[1] Ozymandias of Percy Shelley's famous poem exemplifies this self-deification. "My name is Ozymandias, king of kings: look on my works, ye Mighty, and despair!" Clearly he was a man who believed in his own omnipotence: such power that even the Mighty would despair. Yet the Mighty did not despair, as the poem states, "Nothing beside remains . . . boundless and bare the lone and level sands stretch far away." All that remains is the wreckage of his statue, a monument no longer to his greatness but merely to his vanity.

Ozymandias was unique only for his audacity and not for his subsequent failure. His fate is shared by anyone who would put himself above the rule of God. As surely as the engineer is limited by the laws of physics, so the politician is limited by the laws of human action. It is not the "frown, and wrinkled lip, and sneer of cold command" which directs people to thrive and create the monuments we see; rather it is their regard for their own self-interest. And these are monuments to the human spirit, not to the "cold command" of some ruler, no more endowed than his subjects.

"The market economy needs no apologists and propagandists. It can apply to itself the words of Sir Christopher Wren's epitaph in St. Paul's: *Si monumentum requiris, circumspice.* (If you seek his monument, look around.)"[2]

Ozymandias was mocked by his sculptor, his monument shattered, and whatever works he refers to in his epitaph are long ago buried by the endless sand. There could be no more fitting end for a man who would put himself above God. His monument should stand as a warning to whoever would espouse as progressive the dogma of this king of kings from an antique land.

Mr. Aguilar is a free-lance writer in Santa Barbara, California.

[1] Ludgwig von Mises, *Human Action* (Chicago: Contemporary Books, Inc.), p. 693.

[2] Mises, p. 854.

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The Rise of the Right

BACK in 1950 Frank Chodorov, a libertarian known to Henry Hazlitt as "the Grand Street philosopher," came into the offices of the *Freeman* to commend us for our first issue. Chodorov had a prediction to make, based on the history of the socialist Fabian Society in England. The Fabians had begun in the Eighties as a debating society committed to preaching what Sidney Webb called "the inevitability of gradualism." At its inception it could hardly fill a hall. Forty years later it had taken over England. It had also moved in on America in the shape of the New Deal.

What Chodorov had to say was that we were helping to start something that wouldn't pay off for at least a full generation. But he assured us of our ultimate success. The libertarians and conservatives would have to be content for a while with small victories. But, following a strategy of Fabianism-in-reverse, the movement would eventually displace the collectivists who had filched the name of "liberal" for themselves in what Chodorov termed a semantic swindle.

It is too bad that Chodorov didn't live to read William A. Rusher's *The Rise of the Right* (New York: William Morrow and Co., 336 pages, $15.95). What Rusher, the publisher of William Buckley's *National Review,* has to tell us is that everything has turned out exactly as Chodorov had predicted. What was prophecy with Chodorov in 1950 has become history in 1984.

Rusher, in a "personal word," tells of some books that affected his youthful thinking when he was just out of law school. There were Whittaker Chambers' *Witness,* Russell Kirk's *The Conservative Mind,* and

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Hayek's *The Road to Serfdom.* But a "major episode" in the early Fifties that impressed him most was the "founding of the *Freeman,*" which he treats as "a sort of journalistic John the Baptist—a precursor of *National Review.*"

The "protoconservatives" who clustered around the *Freeman* moved over to the *National Review* before Rusher became its publisher, but Rusher had already had his initiation into conservative "movement" affairs during seventeen months in Washington, where he served as Bob Morris's associate counsel at the Eastland Senate Internal Security Subcommittee. Rusher's work in investigating the "Communist issue" commended him to Bill Buckley, so instead of returning to a Wall Street law firm after his Washington experience he joined *National Review.*

Ideas Come First

As a historian of the influence of *National Review* on the "rise of the Right," Bill Rusher is fully convinced that ideas must come first in promoting social change. But Rusher had been a Young Republican activist before he became a magazine publisher, and his whole impulse was to let ideas move him into action. Ever since 1960 he has been in the movement to elect conservatives to political office, whether as Republicans, or, as in the case of New York State, as nominees of the Conservative Party.

With Clif White, Rusher established a group which, as the "watershed year" of 1964 approached, became the "draft Goldwater" movement. Goldwater, a reluctant candidate, took a bad licking in the electoral college, but his candidacy changed the nature of the Republican Party, shifting its control from Nelson Rockefeller's East to the West and South. The shift was not without its troubles and disappointments. Rusher has had little use for Richard Nixon, or even for midwestern "moderates" such as Jerry Ford or George Romney, and the Republican failure to nominate Ronald Reagan in 1968 or 1976 provoked Bill Rusher into some years of fruitless spadework looking toward the establishment of a third party. Reagan's refusal to become the candidate of Rusher's proposed third party was frustrating, but with Reagan's final presidential victory in 1980 Rusher is satisfied that Republicanism and conservatism have been happily mated at last. The so-called New Majority is here to stay, no matter what the official party label.

Rusher's larger concern is cultural and spiritual. He hopes to witness a "final victory of Western Judaeo-Christian society over that misbegotten child of the Enlightenment, communism." Conservatives

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have demonstrated that they can elect a President, and even a majority of the U.S. Senate, but they have not yet shown they can deal with the Communist formula for promoting new leftist guerrilla takeovers of Third World nations at an alarmingly progressive pace. This is hardly compatible with Rusher's idea of a "final victory."

Foreign Policy and Debt

The problem of dissidence among conservatives and libertarians over foreign policy is skirted by Rusher. So, too, is the problem of a national debt of more than a trillion-and-one-half dollars. There will be plenty of fights to come over such questions as social security, and over the problem of "entitlements" in general, but Rusher thinks the conservatives will have the edge in solving them. The "fatal weakness" of the liberals, as he sees it, is that they "have no philosophy." So "the challenges posed by twentieth century liberalism, which played so long and so dominant a role in American politics, may prove less menacing in the future than its impressive past might lead us to expect."

Rusher puts an inordinate stress on politics. Libertarians among those whom he classifies as conservatives might object that Rusher has not allowed enough for the possibility that most of our problems might better be settled without bringing government into the picture at all. The experience of Italy is instructive here. With both the political Left and the political Right in Italy unable to run things, a hidden economy has grown up parallel to the officially recognized one. The hidden economy keeps no records. It is a prosperous contributor to the GNP nonetheless.

The political movement whose rise has been so well chronicled by Rusher now has its journals of opinion, its think tanks, its legal foundations, its big spread of political action committees, and its newspaper columnists who dominate the op. ed. pages. But Congressman Jack Kemp might tell Bill Rusher that the movement can still founder if it can't come up with a solution for our monetary problems. It could be as simple—or as complicated—as that.

John Chamberlain's book reviews have been a regular feature of *The Freeman* since 1950. We are doubly grateful to John and to Henry Regnery for now making available John's autobiography, A *Life with the Printed Word*. Copies of this remarkable account of a man and his times—our times—are available at $6.00 from The Foundation for Economic Education, Irvington-on-Hudson, New York 10533.

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IDEAS HAVE CONSEQUENCES

Any idea becomes our own as we are exposed to it and accept it and practice it and can explain it to friends—all done without coercion.

This pretty well describes the activities of FEE—seeking, practicing, sharing ideas on liberty, that liberty which Lord Acton identified as "the assurance that every man shall be protected in doing what he believes his duty against the influence of authority and majorities, custom and opinion." If you'd care to join in pursuit of such ideas and ideals, just use the form below to reserve your place on **The Freeman** mailing list.

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SEPTEMBER 1984

Legalized Immorality—
A Page on Freedom, No. 11 .... Clarence Manion 515

Regulation of
Telecommunications ..... Clint Bolick 516

Two Freedoms ..... Charles Turnbull 526

Women in Economic History .... Harry Lee Smith 529

Getting Governments
Out of Debt ..... Kenneth McDonald 535

The Meanings of Freedom ..... John Hospers 539

The Consummate Role Player ... R. K. Foley, Jr. 549

The Fruits of Independence ..... Clarence B. Carson 552

The Broken Dream ..... Joseph S. Fulda 566

Socialism Is Legal Plunder ..... Dean Russell 569

The Religion of Statolatry ..... Victor Aguilar 573

BOOKS:

The Rise of the Right ..... John Chamberlain 574

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